

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.33425 of 2015**

Arising Out of PS. Case No.-1302 Year-2013 Thana- PATNA COMPLAINT CASE District-  
Patna

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Md. Shafique Khan son of Late Md. Akhtar Ahsan Hashan Khan, resident of  
village- Sherpur, P.S.- Maner, District- Patna.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Kripal Rai, son of Late Ramanand Rai, resident of village- Chakia Tola,  
Sherpur, P.S.- Maner, District- Patna.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner : Mr. Krishna Chandra

For the Opposite Parties : Mr. T.P.Mandalapp

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**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR**

ORAL ORDER

3      22-02-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

The present application has been filed for quashing of  
the order dated 05.12.2014 passed by learned Judicial  
Magistrate-1st Class, Danapur in Complaint Case No. 1302C of  
2013 by which cognizance has been taken against the petitioner  
for the offences under Sections 406 and 420 of the Indian Penal  
Code.

It has been contended by learned counsel for the  
petitioner that opposite party no. 2 is purchaser from Ramagya  
Rai and petitioner is the vendor of Ramagya Rai. He further  
submits that there has been no contact between the petitioner



and opposite party no. 2. If there is some defect in the title suit or possession of the opposite party no. 2, for that, the petitioner cannot be responsible. Moreover from the complaint itself, it appears that opposite party no. 2 is in possession of land in question and the matter has travelled up to Bihar Land Tribunal which held that the dispute was related to title. He further submits that opposite party no. 2 can raise his grievances by filing a title suit in the competent civil court. This complaint/F.I.R filed by Kaushalya Devi is misconceived.

The case was sent to police for registration of F.I.R and after investigation police submitted Final Form finding the case to be civil dispute.

Considering of all the facts, this application is allowed and prosecution of the petitioner in complaint/F.I.R Case No. 1302C of 2013 passed by learned Judicial Magistrate-1st Class, Danapur is hereby quashed.

**(Sandeep Kumar, J)**

Harsh/

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