

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49038 of 2015

Arising Out of PS. Case No.-1837 Year-2005 Thana- SARAN COMPLAINT CASE District-
Saran

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1. Mithilesh Singh and Anr
 2. Awadhesh Singh @ Yuvraj Singh Both son of Late Dip Narayan Singh @ Hawaldar Saheb Resident of Village-Motiyar, P.S.-Chapra Mufassil, District-Saran at Chapra. At present resident of Village-Tahirpur, P.S.-Garkha, District-Saran at Chapra.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Pravin Kumar Singh s/fo Brij Bihari Singh Resident of Village-Vintek Consutancy Services Pvt, Ltd. Branch Chapra, Hospital Chowk, Saran at Chapra.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None.

For the Opposite Party/s : Mr.Md.Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 17-03-2023 No one appears on call.

The present petition has been preferred for quashing of the order dated 12.10.2006 passed in Trial No. 1848/2014 arising out of Complaint Case No. 1837/2005 by the learned Judicial Magistrate-1st Class, Saran at Chapra whereby cognizance has been taken under Sections 420 and 120(B) of the I.P.C. and Section 138 of the N.I. Act.

As per the prosecution case, the agreement was signed with the complainant with respect to 4 Bighas and 18 Kathas of land and Rs. 1,25,000/- was handed over to the accused persons



as advance. This followed payment of Rs. 85,000/-.

In line with the agreement when the complainant tried to make plotting of land it came to the notice that they do not have any right or title over the land nor even any physical possession of the same and further, in Partition Case No. 55 of 1980, a compromise petition was filed between the parties in which the land in question was not allotted to the accused persons. Thus, feeling cheated, the present case.

Considering the aforesaid facts as also the examination of the complainant, the learned Court rightly took cognizance against the accused persons under Sections 420 and 120(B) of the I.P.C. as also Section 138 of the N.I. Act.

No case for interference is required.

However, as no one has appeared, the petition stands dismissed for non prosecution with liberty to the petitioners to raise all the points at an appropriate stage before the Trial Court.

(Rajiv Roy, J)

Ravi/-Kiran

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