

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16409 of 2018

Arising Out of PS. Case No.-1848 Year-2016 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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1. Madan Prasad Son of late Ram Lakhan Prasad
 2. Premlata Devi Wife of Madan Prasad Both are the residents of Mohalla Jagir, P.S. Nagar, District- Begusarai, at Present residing at 85 H.B. Road, Bhagwati sadan Lalpur, P.S. Lalpur, District- Ranchi, Jharkhand.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Santosh Rai Son of Pramod Rai Resident of Badi Echu, Ward no. 41 P.S. Mufassil, District Begusarai.

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Ravi Kumar, Advocate
For the Opposite Parties	:	Mr. Sri Ramchandra Singh, APP
For the Informant	:	Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 22-02-2023 Heard learned counsel for the petitioners and learned
APP for the State.

This application has been filed for quashing of the order dated 16.11.2017 passed by learned Additional Chief Judicial Magistrate-Vth, Begusarai in Complaint Case No. 1848C of 2016, by which cognizance has been taken against the petitioners for the offences under Sections 420 and 406 of the Indian Penal Code.

It has been contended by learned counsel for the petitioners that no offence under Section 420 is made out and the present case is a counter blast to the four complaint Cases



i.e. (1) Complaint Case No. 1104 of 2016 (2) Complaint Case No. 1105 of 2016 (3) Complaint Case No. 1304 of 2016 (4) Complaint Case No. 1306 of 2016 filed by the petitioners against the purchaser including opposite party no. 2 and all these cases are pending before learned Judicial Magistrate, Ranchi.

He further submits that it is the opposite party no. 2 who had not paid the entire consideration amount and after the cases were registered against the purchaser, these false cases have been filed against the petitioners by the opposite party no. 2. He further submits that opposite party no. 2 and other purchaser have further sold the land in favour of other parties.

Learned counsel for the opposite party no. 2 has been heard. Apart from saying that *prima facie* case is made out, he cannot give any answer to the factual aspect of the case with regard to further sale of the land.

I have considered the submissions of the parties and gone through the records of the case. The complaint petition seems to be *mala fide* prosecution just to pressurize the petitioners for not prosecuting opposite party no. 2 and other similarly situated accused persons in the complaint cases as mentioned above.



Accordingly, this application is allowed and consequently, Complaint Case No. 1848C of 2016 passed by learned Additional Chief Judicial Magistrate-Vth, Begusarai is hereby quashed.

(Sandeep Kumar, J)

Harsh/

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