

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67190 of 2022

Arising Out of PS. Case No.-205 Year-2015 Thana- PATLIPUTRA District- Patna

Vikash Kumar Son Of Late Saryug Prasad R/O Saryug Niwas, Gosaitola,
P.S.- Patliputra, Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 20074 of 2019

Arising Out of PS. Case No.-205 Year-2015 Thana- PATLIPUTRA District- Patna

1. ASHA DEVI @ SMT. ASHA DEVI AND ANR Wife of Late Ramesh Prasad @ Late Ramesh Kumar Resident of Gosai Tola, P.S. - Patliputra, District - Patna.
2. Chanda Devi @ Smt. Chandra Devi Wife of Late Mahesh Kumar Resident of Gosai Tola, P.S. - Patliputra, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR and Anr.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 67190 of 2022)

For the Petitioner/s : Mr. Nagadeo Choubey

For the Opposite Party/s : Mr. Md. Mushtaque Alam

(In CRIMINAL MISCELLANEOUS No. 20074 of 2019)

For the Petitioner/s : Ms. Kiran Sinha

For the Opposite Party/s : Mr. Nand Kumar

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 18-05-2023 Heard learned counsel for the parties.

This application has been filed for quashing of the order dated 20.05.2022/18.01.2019 passed in Patliputra P.S. Case No. 205/2015, 205/2015/G.R. No. 4420 of 2015 by which ACJM-XII, (Succ. A.C.J.M.-II, Patna) without considering the



facts and circumstances of the case as well as settle proposition of law, rejected the petition dated 10.05.2022 filed by the petitioners.

As per prosecution, one Prabhas Kumar entered into an agreement dated 26/03/2007 with Asha Devi and Chandra Devi for construction of Prasambi Saryug Vihar Apartment at Gosaitola Patliputra, Patna. It is further alleged that the builder and the land owner sold their flat to different purchasers and assured that the construction work will be completed soon but till date the said apartment has not been completed and the flat owners are facing security problem. All the flat owners jointly contacted the developer company and formed a society and the said society time to time requested the developer and the land owners for completion of the work but the false assurance was given by the them and no work was completed. It is further alleged that on 27.09.2012, the flat owners were surprised to see the notice of HUDCO whereby Prasambi Construction Pvt. Ltd. took a loan of Rs. 2,00,95,515/- for the construction of Prasambi Saryug Vihar Apartment. Due to non-payment of the loan amount to HUDCO the flats of developer share were attached by HUDCO. It is further alleged that by forgery and by creating false documents, the developer, his wife, the landowners and



Vikash Kumar (petitioner) committed forgery and F.I.R. has been registered against the petitioners.

In view of the affidavit of the informant that he does not want to proceed in this case against the petitioner, this application is allowed.

The order dated 20.05.2022 and 18.01.2019 passed in Patliputra P.S. Case No. 205/2015, 205/2015/G.R. No. 4420 of 2015, is hereby quashed with respect to the petitioners.

(Sandeep Kumar, J)

Ranjeet/-

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