

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64940 of 2019

Arising Out of PS. Case No.-1157 Year-2018 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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AJAY SINGH @ AJAY KUMAR SINHA @ LAL BABU S/o Late Gajendra Prasad Singh @ Late Gajendra Prasad Sinha R/o village- Khaira, P.O.- Khaira, P.S.- Phalaka, Distt.- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Umesh Das S/o Late Mahavir Das R/o village- Dumar, P.S.- Phalaka, Pothiya, District- Katihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pandey
For the Opposite Party/s : Mr.Rabindra Kumar

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 31-07-2023 Heard learned counsel for petitioner and learned Additional Public Prosecutor.

2. This application is filed for quashing the order dated 30.05.2019 passed by A.C.J.M.-V, Katihar, in complaint case no. 1157/2018 by which A.C.J.M.-V Katihar was pleased to take cognizance against petitioner under Sections 323 of the Indian Penal Code which is pending in the Court of A.C.J.M.-V, Katihar.

3. The prosecution story is short is that the complainant entered into an agreement with one Lakshmi Sinha for purchase of 3 katha of land in Mauza Khaira being Khata No. 401, flat No. 652 and accordingly four thousand rupees has been paid to mother of the accused and remaining amount has to be paid at the time of registry.

4. It is further alleged that agreement was prepared in



the name of Madan Mohan Barma with assurance that the said land has been leased on the name of Madan Mohan Barma and registered then he will relinquish his possession from the land. It is further alleged that on 25.05.2018, complainant went to the petitioner for execution of sale deed then petitioner abused him saying that petitioner will not give him land and also not return money.

5. From reading of the F.I.R., it appears that the complaint has been filed on the basis of one agreement which was entered into with opposite party no. 2 and the mother of the petitioner 21 years back.

6. It is admitted possession that the petitioner has not entered into an agreement for sale and has not accepted any money.

7. In these circumstances, no offence is made out against the petitioner. Accordingly, the order dated 30.05.2019 passed by A.C.J.M.-V, Katihar, in complaint case no. 1157/2018 is hereby quashed.

(Sandeep Kumar, J)

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