

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73683 of 2022

Arising Out of PS. Case No.-55 Year-2022 Thana- CHHATAUNI District- East Champaran

1. DR. KANHAIYA LAL PD S/o Ganesh Pd R/o Village- Chhota Bariyarpur, P.S.- Chhatauni, Distt- East Champaran.
2. Saroj Devi W/o Dr. Kanhaiya Lal Pd R/o Village- Chhota Bariyarpur, P.S.- Chhatauni, Distt- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Subodh Kumar S/o Late Pitambar Singh R/o Village- Kadhan Bairiya, P.S.- Kesariya, Distt- East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma, Adv.
For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-10-2023 1. Heard the learned counsel for the petitioners and the learned APP for the State.

2. The learned counsel for the petitioners submits that the present quashing application has been filed seeking quashing of the F.I.R. being Chhatauni P.S. Case No. 55/2022, under sections 406, 420, 467, 468, 471, 384 and 120(B) of the Indian Penal Code.

3. The learned counsel for the petitioners next submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that the dispute is purely civil, to which a criminal colour has been given. It is next submitted that the



petitioner no.2 herein had purchased one katha of land from Shambhu Nath Singh, Sunil Singh and Arun Singh on 22.01.2022 and the O.P. No.2 alleges that the land, which the petitioner no.2 purchased from the aforesaid Shambhu Nath Singh, Sunil Singh and Arun Singh belonged to him and they had no title over the said land, further the O.P. No.2 had earlier also instituted Chhatauni P.S. Case No. 110/2013 against the present petitioners, alleging therein that they had purchased 10 dhurs of land of the O.P. No.2 from a person, who was not holding title over the land in question.

4. The learned counsel for the petitioners next submits that in the event, if the O.P. No.2 is aggrieved by the execution of the sale deed, he had remedy of approaching the court of competent civil jurisdiction for getting the sale deed cancelled.

5. The learned APP Mr. Chandra Bhushan Prasad vehemently opposes the submissions made by the learned counsel for the petitioners and submits that first the petitioners will have to establish whether the land, which the petitioner no.2 purchased was from bonafide owner, secondly, whether there was any connivance of the petitioners with the seller of the land in question, as earlier also, the same petitioner had purchased the land of the O.P. No.2 for which Chhatauni P.S. Case No.



110/2013 is pending. It is further submitted that the quashing application is completely silent with respect to the fact that the petitioner no.2 purchased the land from Shambhu Nath Singh, Sunil Singh and Arun Singh, after verifying their title over the land, which gives an impression that everything was being done in connivance. It is further submitted that the F.I.R. be not quashed at the nascent stages of investigation.

6. Considering the submissions made by learned APP, the Court is not inclined to entertain the quashing application.

7. Accordingly, the present quashing application is hereby rejected.

(Satyavrat Verma, J)

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