

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.427 of 2023

Arising Out of PS. Case No.-385 Year-2021 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. RASHID RAZA KHAN Son of Late Masood Ahmad Khan @ Mansoor Ahmed Khan Resident of Kalpana Rest House Compound, P.S.- Civil Line, District- Gaya
 2. SHAJJI NAZIM KHAN @ SAJJI NAZIM KHAN Son of Late Manzurul Hassan Khan Resident of Village- Hamzapur, P.S.- Amas, District- Gaya
 3. JAGDEV PRASAD Son of Late Chedi Prasad Resident of Village- Piprahi, P.S.- Gurua, District- Gaya
 4. SANJAY PRASAD @ SANJAY KUMAR Son of Jagdeo Prasad Resident of Village- Piprahi, P.S.- Gurua, District- Gaya
 5. NAGESHWAR PRASAD Son of Bhagwat Singh Resident of Village- Piprahi, P.S.- Gurua, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Vinay Prasad Dangi Son of Late Ram Awtar Mahto Resident of Village- Pindari, P.S.- Amas, District- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Ataul Haque
For the Opposite Party/s : Mr.Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

- 4 17-07-2023 1. Heard learned counsel for petitioner and learned Additional Public Prosecutor.
2. This application is filed for quashing the order dated 30.06.2022 passed by learned Judicial Magistrate, First Class, Sherghati (Gaya) under sections 452, 323 and 506 of the Indian Penal Code against all the petitioner.



3. It has been submitted by the learned counsel for the petitioners that the petitioners no. 1 and 2 are the vendors of the land and petitioners no. 3 and 4 are the purchasers of the land and petitioner no. 5 is the identifier of the sale deed.
4. The complaint case has been filed by the complainant alleging that the land in question belongs to him and the complainant was paying rent to the Government and the accused persons have wrongly got the deed executed.
5. On the specific query made by this Court to opposite party no. 2 as to whether the opposite party no. 2 had any title document, the learned counsel for the opposite party no. 2 has said that he has L.P.C. and revenue receipt.
6. The revenue receipt and L.P.C are not title documents, and based on the same, the opposite party no. 2 is claiming title and has tried to falsely implicate this petitioner. This kind of frivolous litigation should not be allowed to continue. Moreover, the opposite party no. 2 has lost in the injunction case in the civil litigation.
7. If the opposite party no. 2 has any grievance, he will proceed in the title suit instead of litigating on the criminal side. Accordingly, this application is allowed. The order



dated 30.06.2022 passed by learned Judicial Magistrate,
First Class, Sherghati (Gaya) is hereby quashed.

(Sandeep Kumar, J)

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