

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.371 of 2024

Arising Out of PS. Case No.-189 Year-2023 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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Arpana Kumari, W/O Durgesh Kumar R/O Village- Biti Bigha, P.O- Bigha,
P.S- Sherghati, Distt.- Gaya.

... .. Petitioner/S

Versus

1. The State Of Bihar Through The Chief Secretary, Government Of Bihar, Patna. Bihar
2. The Additional Chief Secretary, Department Of Home, Government Of Bihar, Patna. Bihar
3. The Director General Of Police, Government Of Bihar, Patna. Bihar
4. The District Magistrate-Cum-District Officer, Gaya. Bihar
5. The Senior Superintendent Of Police, Gaya. Bihar
6. Shailesh Kumar, The S.H.O., Magadh Medical Police Station, Gaya. Bihar
7. Akshay Kumar Gupta, The Investigating Officer, Magadh Medical Police Station Case No. 189 Of 2023 Magadh Medical Police Station, Gaya.
8. Sujit Kumar S/O Late Srju Prasad R/O Village- Badhka Karasan, P.S- Imamganj, Distt.- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Birendra Kumar Singh, Advocate
For the Respondent/s : Mr. SC.3

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 26-02-2024 1. The instant writ petition is filed by the petitioner praying for issuance for appropriate writ, order or direction in view of the judgement passed by Hon'ble Supreme Court in Special Leave Petition (Cri) No 834/835 of 2023 "Bimal Tiwari Vs. the State of Bihar & Ors", on the allegation that the husband of the petitioner was running a shop in the township of Gaya. During Corona period, the business of the husband of the



petitioner was closed. He had no income. Therefore, the petitioner and her husband decided to leave the Gaya for their native village at Biti Bigha, P.S. Sherghati. Therefore, the petitioner made an agreement for sale with one Sujit Kumar, Respondent No. 8 herein on 3rd of April, 2021 for sale of his residential house at a consideration amount of Rs. 26,31,000/-. It is stipulated in the agreement that the last date of payment of the consideration money would be on 31st of December, 2021. If the Respondent No. 8 would fail to make payment of the entire consideration money, the agreement for sale shall be cancelled and become null and void. The Respondent No. 8 failed to make payment of the consideration price within the stipulated date. Accordingly, the agreement was cancelled. Subsequently, the Respondent No. 8 lodged FIR before Magadh Medical Police Station, Gaya being F.I.R. Case No. 189 of 2023 under Sections 406, 420, 504, 506 and 34 of the I.P.C., at a belated stage alleging misappropriation of money and cheating as well as criminal intimation against the petitioner. The petitioner has prayed for quashing of the FIR.

2. The investigation is complete and charge-sheet has been submitted against the petitioner. No prayer is made by the petitioner to quash the charge-sheet. When F.I.R culminates to



filing of charge-sheet, the same cannot be quashed.

3. In view of the above discussion, the instant writ
petition is considered and dismissed.

(Bibek Chaudhuri, J)

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