

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.46635 of 2016**

Arising Out of PS. Case No.-191 Year-2014 Thana- WEST CHAMPARAN COMPLAINT  
District- West Champaran

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NAZIRUL HASNAIN NAIYAR son of Late Hazi Md. Muzaffar Hussain  
resident of Village- Paterwa Baikunthwa Police Station- Nauttan, District-  
West Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. Faiyaz Ahmad son of late Rahman Mian, resident of Village-Dhokaraha,  
Police Station- Ramnagar, District- West Champaran.
3. Madhav Sah son of Late Chandrika Sah, resident of Village- Yadav Toli,  
Narainapur, Police Station- Ramnagar, District- West Champaran.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Ram Kishun Prasad  
For the Opposite Party/s : Mr.Sri Umesh Lal Verma

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR  
PANDEY**

ORAL ORDER

2      02-04-2024                      Heard the learned counsel for the petitioner as well as  
  
the learned counsel for the State.

2. This application has been filed for quashing the  
order dated 18.03.2016 passed by learned Additional Sessions  
Judge-VI West Champaran Bettiah in Revision Application. No.  
168 of 2015 by which, the learned Additional Sessions Judge  
dismissed the revision affirming the order dated 30.06.2015  
passed by learned Judicial Magistrate-Ist Class, Bagaha in  
Complaint Case No. 191C of 2014, whereby and whereunder  
the learned Magistrate dismissed the complaint petition under  
Section 203 of the CrPC.



3. Brief facts of the case is that the land, in dispute was originally belonging to father of the petitioner, to which, he inherited and after inheritance, the petitioner transferred the land in favour of his wife in lieu of dower debt. Accused (O.P. No. 2), who has no concern at all to that land, sold it to one Madhav Sah without having a right, title or interest over that land. The petitioner filed Complaint Case No. 191C of 2014 which was dismissed by the learned Magistrate under Section 203 of the CrPC. Against that order, the petitioner preferred Criminal Revision No. 168 of 2015 which was also dismissed vide impugned order dated 18.03.2016 passed by learned Additional Sessions Judge-VI, West Champaran.

4. Learned counsel for the petitioner has submitted that opposite party no. 2 has no title or interest over that land and without title, he transferred it to the opposite party no.3, namely Madhav Sah. At the time of argument, the learned counsel has also apprised the court that a title suit is pending with regard to the land, in question.

5. Learned Magistrate dismissed the complaint petition on the ground that it is a case of civil nature and ultimate remedy lies in the civil proceeding and not in the criminal proceeding. The learned Additional Sessions Judge



affirming the view of the learned Magistrate, has dismissed the revision against the order of dismissal of the complaint petition.

6. I do not find any illegality, irregularity or impropriety in the impugned orders. As such, this Quashing Application is *dismissed*.

**(Nawneet Kumar Pandey, J)**

Nirmal/-

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