

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41147 of 2016

Arising Out of PS. Case No.-264 Year-2015 Thana- AGAMKUAN District- Patna

Ranvijay Kumar, son of Birendra Prasad Singh, resident of Mohalla- Trilok
Nagar, Rasida Chak, P.S. - Agamkuan, District- Patna

... .. Petitioner/s

Versus

1. State Of Bihar
2. Ravindra Kumar Gupta, son of Late Asharfi Sah, resident of Village-
Mungeriganj, P.S. Town District- Begusarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Harish Kumar, Advocate
For the State	:	Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

8 26-11-2024 The instant criminal miscellaneous petition has been filed to quash the order dated 29.03.2016 passed by the learned A.C.J.M., Patna City, in connection with Agamkuan P.S. Case No. 264 of 2015 whereby and whereunder the learned A.C.J.M. has taken cognizance of the offence under Section 420 read with section 34 of the Indian Penal Code (in short 'IPC') against this petitioner.

2. The main ground taken by the petitioner's counsel is that from bare perusal of the FIR the alleged offence under Section 420 of the IPC of which cognizance has been taken by the order impugned does not even *prima facie* attract in this matter.

3. Learned APP has not disputed the petitioner's plea



as to only a civil wrong being attracted from the alleged occurrence mentioned in the FIR.

4. Heard both the sides and perused the order impugned, FIR and other relevant materials.

5. Learned counsel appearing for the petitioner has drawn the attention of this Court towards the contents of the FIR, the substance of which is that one Narendra Kumar Sinha purchased a land in question in the name of his wife Sudha Kumari who sold the said land in favour of the petitioner by taking the consideration amount of Rs. 2,00,000/- and thereafter as per the FIR, this petitioner transferred this purchased land in favour of the informant by executing a sale deed by taking consideration amount of Rs. 7,01,000/- and other expenses of Rs. 49,000/- and the main allegation is that as per the informant, he was told by this petitioner that there was no any dispute or litigation in connection with the sold land and when after the purchase, the informant reached the land in question to make some construction work then he was stopped by the police with saying that a preventive proceeding was running under Section 144 of the Cr.P.C. and on that basis, the informant alleged that he was cheated. From the bare perusal of the FIR, this court finds that the instant matter purely relates to a civil wrong as



the petitioner’s title being in the land in question at the time of selling the same to the informant has not been disputed in the FIR and the main allegation is non-disclosure of a preventive proceeding by the petitioner to the informant at the time of execution of the sale deed and for this, it will not be proper to subject the petitioner to a criminal proceeding and putting the petitioner to trial for the alleged offence will be completely harassment to him and the same does not serve the ends of justice and the order impugned taking cognizance of the alleged offence is an abuse of the process of the court, so, the said order is set aside and the instant petition stands allowed.

(Shailendra Singh, J)

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