

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.55256 of 2018**

Arising Out of PS. Case No.-192 Year-2017 Thana- COMPLAINT CASE District- Jamui

Nisha Singh, W/o Vinay Singh @ Vinay Kumar Singh, R/o Vill.- Mahisadi,  
P.S.- Jamui, District- Jamui.

... .. Petitioner/s

Versus

1. State of Bihar
2. Mahesh Mahto S/o Late Jageshwar Mahto, R/o Vill.- Kakan, P.S. and District- Jamui.

... .. Opposite Party/s

**Appearance :**

|                        |   |                                  |
|------------------------|---|----------------------------------|
| For the Petitioner/s   | : | Mr. Pankaj Kumar Sinha, Advocate |
| For the Opposite Party | : | Mr. R. Bhushan, Advocate         |
| For the State          | : | Mr. Sri Jharkhandi Upadhyay APP  |

**CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI**  
**ORAL ORDER**

- 2      18-09-2024                      The accused/petitioner has approached this Court under Section 482 of the CrPC, praying for quashing of the order of cognizance dated 07<sup>th</sup> May 2018 passed by the learned Judicial Magistrate I<sup>st</sup> Class, Jamui in Complaint Case no. 192 C/2017 whereby and whereunder the learned Magistrate took cognizance of the offence punishable under Sections 406/420/467/468 and 120B of the IPC. The petitioner is the owner of a piece of land situated in the District of Jamui. One Manoranjan Prasad Singh told the complainant that the said land would be sold out by its owner, namely, Nisha Singh and asked him as to whether he is willing to purchase the said land. The complainant saw the said land and being satisfied, a talk of sale



of the land was made between him and Manoranjan Prasad Singh. It is alleged that he paid in all Rs. 696775/- to Manoranjan Prasad Singh towards the consideration price but the sale deed was not executed.

2. On perusal of petition of complaint, this Court finds that the complainant nowhere disclosed that he had any talk with the petitioner who is the recorded owner of the land in question regarding sale of the land. Admittedly, Manoranjan Prasad Singh does not have any right title or interest over the said piece of land. If a person pays consideration money to purchase a property to another person who does not have any right title or interest over the said property. The entire transaction was made by easement at the risk of the party who has paid the consideration money without verifying the ownership of the property. In the entire transaction, involvement of Nisha Singh has not been pleaded.

3. It is true that in the initial statement of solemn affirmation, the complainant and his witnesses stated that Manoranjan Prasad Singh talked to the complainant under the instruction of Nisha Singh, but the said fact has not been pleaded in the complaint. It is needless to say that any amount of evidence without pleading, cannot be considered by the



Court.

4. For the reasons stated above, I do not find any material for further proceeding of Complaint Case No. 192C/2017 against the petitioner, namely, Nisha Singh. Thus, the order of cognizance against Nisha Singh, petitioner herein, is quashed.

5. Accordingly, the application under Section 482 of CrPC is allowed on contest.

**(Bibek Chaudhuri, J)**

Suraj Dubey/-

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