

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44560 of 2015

Arising Out of PS. Case No.-2580 Year-2011 Thana- SARAN COMPLAINT CASE District-
Saran

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1. BIBHU BHUSHAN TRIVEDI @ BIBHUSHAN TRIVEDI and OTHERS
Son of Late Satyendra Nath Trivedi Resident of Village - Satjora, P.S.-
Panapur, District - Saran
 2. Paras Mahto Son of Late Raghunath Mahto
 3. Somari Devi Wife of Paras Mahto 2 and are Resident of Village - Pakari
Narottam, P.S.- Panapur, District - Saran

... .. Petitioner/s

Versus

1. State of Bihar
2. Jitendra Singh Son fo Late Chandrika Singh Resident of Village - Satjora,
P.S.- Panapur, District - Saran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. M.N. Parbatt, Sr. Advocate Mr. Parveen Parbhakar, Advocate
For the Opposite Party/s	:	Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

15 11-07-2024 The petitioners are the accused persons in Complaint

Case No. C 2580 of 2011. The cognizance of which was taken

by the learned Judicial Magistrate, Chapra by an order dated 08th

November 2012 for the offence punishable under Section

420/467/468/471/323/504/34 of the IPC.

2. It is the case of the Opposite Party that Power of

Attorney was executed by one Prabhat Chandra Pandey, the

maternal grandson of one Nagendra Nath Trivedi who got the

disputed land by family partition. On the basis of said Power of



Attorney, the complainant used to possess the said disputed land. It is alleged that the petitioner no. 01, namely, Bibhu Bhushan Trivedi being the brother's son of the said Nagendra Nath Trivedi executed a forged and fabricated deed in favor of the accused Nos. 02 and 03. The petitioner no. 01 has annexed a series of documents and orders passed by the competent civil court wherefrom, it is ascertained that the father of Bibhu Bhushan Trivedi was a Deputy Superintendent of Police and he purchased the disputed property from his own money, therefore, the said property is not a Hindu joint-family property but, self-acquired property of the father of the petitioner no. 01 and he got the property by way of inheritance. The disputed land was not the subject matter of the partition suit between the heirs of the Trivedi family. It is also contended on behalf of the petitioners that the disputed land is recorded in the name of the petitioner no. 01, therefore, the order of cognizance under Section 420/467/468/471 is bad in law and is liable to be quashed.

3. On perusal of the entire materials on record, this Court finds that the aforesaid Complaint Case No. C 2580 of 2011 was maliciously instituted against petitioner no. 01 and others only to grab the property under the threat of a criminal



proceeding. By virtue of Power of Attorney, the complainant did not get any right, title, or interest over the disputed land and, therefore, he cannot lodge any complaint of cheating, forgery, or fabrication of false documents and using the same as genuine.

4. Further, the case of the Opposite Party No. 02 is that when he protested against illegal transfer by petitioner no. 01 in favor of petitioners no. 02 and 03, in respect of the disputed land, he was abused, insulted and one wristwatch amounting to Rs. 2000/- was snatched away.

5. When the principal allegation of cheating and forgery is found to be false and concocted, the other part of the story relating to intentional abuse causing hurt and committing theft of a wristwatch is also presumed to be false and concocted. This Court finds that Complaint Case No. C 2580 of 2011 was falsely instituted by the complainant to wreak vengeance against the petitioners. Therefore, relying on the decision of the Hon'ble Supreme Court in *State of Haryana & Ors. v. Bhajan Lal & Ors.* reported in *1992 Supp. (1) SCC 335*, the complaint case and the order of cognizance dated 08.11.2012 passed by the learned Judicial Magistrate, Chapra is liable to be quashed.

6. Accordingly, the instant application under Section 482 of the CrPC is allowed. The order of cognizance dated



08.11.2012 and the Complaint Case No. C 2580 of 2011 is
quashed.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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