

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1490 of 2017

Arising Out of PS. Case No.-40 Year-2016 Thana- SHRIKRISHNAPURI District- Patna

1. Rajiv Pandey @ Rajiv Kumar Pandey and Anr., Son of Late Nand Jee Pandey,
2. Ranjita Priyamvada W/o Rajiv Kumar Pandey, Both R/o Surya Pramod Nilayam, Flat No. 101, Manna Singh Lane, North S.K. Puri, P.S.- Shri Krishnapuri, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director General of Police, Patna.
3. The Deputy Inspector General of Police, Patna.
4. The Senior Superintendent of Police, Patna.
5. The Station Head Officer, Shri Krishnapuri Police Station, Patna.
6. Ramchandra Jha, Son of Late Langat Jha, R/o A/84, P.C. Colony, Kankarbagh, P.S.- Kankarbagh, District- Patna-20,
7. Commissioner, Patna Municipal Corporation, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Suresh Mishra, Advocate
For the PMC	:	Mr. Prasoon Sinha, Advocate
		Mr. Amarnath Kumar, Advocate
For the State	:	Mr. Pankaj Kumar Singh, AC to GA 9

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI

ORAL JUDGMENT

Date : 27-02-2024

As per the order dated 14.03.2023, the name of Patna Municipal Corporation, Patna be added as respondent No. 07 to this case.

2. The instant writ petition was filed for quashing of the FIR bearing Shri Krishnapuri P.S. Case No. 40 of 2016, dated 11th February 2016, registered on the basis of a written complaint



submitted by the petitioners for the offence punishable under Sections 406, 420, 504, 506 and 34 of the IPC.

3. In short, the informant/ respondent no. 6 alleged that he paid a sum of Rs. 10,00,000/- to the petitioners for the development of a building and delivery of flats within a certain period of time. However, even after 4 years, the petitioners failed to give delivery of the positions of flats or the money which was paid to the petitioners. The petitioners, on the other hand, contended that the construction work of the flats was initially started but subsequently, based on an order passed by PRDA, the construction was stopped on the ground that it was allegedly made in deviation of building roofs and sanctioned plan. In the said case, the petitioners applied for anticipatory bail and before hearing of the anticipatory bail, a settlement was arrived at by and between the petitioners and respondent no. 6 and the petitioners agreed to return the said amount of Rs. 10,00,000/- to respondent no 6 and others. In terms of the said agreement, the petitioners paid Rs. 2,00,000/- Subsequently, the petitioners failed to make further payment to respondent no. 6. They approached the Court that they would not be able to adhere to the terms of the agreement due to financial stringency because it is for the respondent no. 6. The construction work of the flats was being delayed. Under such



circumstances, the instant writ petition was filed. It was taken for hearing on 27th August 2018, by a Co-ordinate Bench. During the first hearing, the petitioners assured the Court that by whatever means, they will make payments of the amount, invested by respondent no. 6.

4. It was submitted on behalf of respondent no. 6 that they would also not be interested in the prosecution of the petitioners if the payment of money invested by them be returned.

5. The Court directed the petitioners to make all efforts to return the invested amount within two months from the date. Subsequently, however, the instant writ petition was listed in another coordinate bench on 14th March 2023. After hearing, the Court directed the petitioners to implead Patna Municipal Corporation (hereafter described as PMC) has already responded with a direction that the PMC would take a fresh measurement of the project of the petitioners within four weeks from the date, and if it is found that the deviations are within the permissible limit, then the compounding amount shall be calculated within another two weeks of the measurement, and the petitioners will be obliged to deposit the compounding fee with the PMC, Patna. Thereafter, the petitioners will be allowed to complete the project and hand over the flats to the informant.



6. It is found from the records, as well as, the submission made by the learned counsel for the PMC, Patna that further measurement of the project of the petitioner was made, fresh calculation of compounding amount was also made, and declared to the petitioners for payment. in order to compound the interest. However, the petitioners have not paid the said amount.

7. Again, the petitioners have raised some objections against the measurement of the project and filed an affidavit challenging the said measurement. The conduct of the petitioners thus, amply proves that the petitioners are not inclined to settle the dispute. On one hand, by submitting that they would settle the dispute between the parties, and on the other hand, they went on misleading the Court from 27th August 2018 till date.

8. In view of such circumstances, the instant revision is disposed of, directing the petitioners to make payment of the compounding cost to PMC, Patna within 04 weeks from the date of this order and start further construction of the said project.

9. The petitioners are further directed to hand over the flats, in terms of the agreement made to respondent no. 6 and the others against payment of Rs. 10,00,000/- (Ten lakhs only) within 6 months thereafter. If the petitioners fail to comply with the above direction, the investigation of the criminal case against the



petitioners shall be commenced and the police authority shall come into logical conclusion of the investigation.

10. With the above direction, the instant writ petition is disposed of.

(Bibek Chaudhuri, J)

Suraj Dubey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.03.2024
Transmission Date	27. 03.2024

