

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.158 of 2023

Arising Out of PS. Case No.-556 Year-2021 Thana- PATRAKARNAGAR District- Patna

1. Manoj Sainani @ Manoj Nari Sainani S/O Nari Mulchand Sainani R/O- B/1901-1602, Brook Hill Tower Co-Operative Housing Society Ltd. Road No. 3, Lokhandwala Complex Andheri (West), P.S.- Oshiwara, State- Mumbai 400053
2. Anjali Sainani @ Anjani M. Sainani W/O Manoj Nari Sainani @ Manoj Sainani R/O- B/1901-1602, Brook Hill Tower Co-Operative Housing Society Ltd. Road No. 3, Lokhandwala Complex Andheri (West), P.S.- Oshiwara, State- Mumbai 400053
3. Shabana Chawla W/O Sumit Singh Chawla R/O- Navnidh Bangalow, Plot No. B-4, Gulmohar Cross, Road No. 07, Jvpd Scheme, Andheri (West), P.S.- Oshiwara, State- Mumbai
4. Sumit Singh Chawla S/O Sri Gurudeep Singh Chawala R/O- Navnidh Bangalow, Plot No. B-4, Gulmohar Cross, Road No. 07, Jvpd Scheme, Andheri (West), P.S.- Oshiwara, State- Mumbai
5. Kewal Mehta @ Kewal Dilip Mehta S/O Dilip Mehta R/O- 12/64, Sagarika Co-Operative Housing Society Limited, Near Lilavati Hospital, Bandra Reclamation Bandra (West), P.S.- Oshiwara, State- Mumbai

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Director General Of Police, Bihar, Patna Bihar
2. The Senior Superintendent Of Police, Patna Sadar, Patna Bihar
3. The Deputy Superintendent Of Police, Patna Sadar, Patna Bihar
4. The Station House Officer, Patrakarnagar Police Station, Patna Bihar
5. Arvind Kumar S/O Late Durga Singh Director Of Rudra Tara International Pvt. Ltd. Company R/O- Chitragupt Nagar, P.S.- Patrakarnagar, District- Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Rama Kant Sharma, Sr. Advocate Mr. Lakshmi Kant Sharma, Advocate
For the State	:	Mr. Md. Nadim Seraj Mr. Iqbal Asif AC to GP 5
For the Res No. 5	:	Mr. Pramod Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 19-06-2025 Heard the learned Senior Counsel for the petitioners,

learned counsel for the State and the learned counsel for the

respondent no. 5.



2. This is an application for issuance of appropriate writ/writs, order/orders, direction/directions for quashing the Patrakarnagar P.S. Case no. 556/2021 dated 01.10.2021 registered for offences under Sections 406, 420 of the I.P.C. by which private respondent set the criminal court in motion to settle a dispute which is essentially Civil in nature and all transactions took place in the territorial jurisdiction within the jurisdiction of High Court at Bombay and petitioners who are resident of Mumbai deals with some commercial property situated at Mumbai and all transactions took place at Mumbai and petitioners initiated Civil Proceeding under ordinary Original Civil Jurisdiction within the territorial jurisdiction at High Court at Bombay being numbered as Suit no. 2310/2021 for enforcement of agreement for Sale dated 15.11.2021 and after adjudication private respondent may be directed either to pay the remaining consideration amount of Rs. 40500000/- with interest and other ancillary expenses or agreement for sale between the parties may be rescinded.

3. At the very outset, learned counsel for the respondent no. 5, Sri Pramod Kumar has submitted that this case has become infructuous as the charge sheet has been submitted, cognizance has been taken and summon has been issued for the



appearance of the petitioners.

4. Learned counsel for the informant has further submitted that in this case, the informant has been cheated of Rs. 23 Crore and the accused persons are delaying the judicial process which is denied by the learned Senior Counsel for the petitioner. He further submits that the accused are trying to delay their trial as they are enjoying the cheated amount.

5. At this stage, learned Senior Counsel for the petitioner has very fairly submitted that he may be permitted to withdraw this application as the same has become infructuous now.

6. Permission is accorded.

7. Accordingly, this application is dismissed as withdrawn.

8. The Trial Court is directed to proceed with the case on day-to-day basis so that the guilty persons are punished.

9. Let a copy of this order be communicated to the Principal District and Sessions Judge, Patna through FAX for its compliance forthwith.

(Sandeep Kumar, J)

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