

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14248 of 2025

Arising Out of PS. Case No.-327 Year-2014 Thana- MOTIHARI TOWN District- East
Champaran

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Kishori Singh W/O Late Sachidanand Singh R/O Village/ Mohalla-
Kanchewa, P.S- Harsiddhi, Distt.- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Salwa Tullah S/O Amanullah R/O Village- Siswania, P.S- Bajjaria, Distt.-
East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Bhan Singh, Advocate.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-04-2025 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State Mr. Chandra Bhushan Prasad and the learned
counsel appearing on behalf of the O.P. No.2.

2. The learned counsel for the petitioner submits that
the present FIR arises from a complaint, which was instituted by
the complainant. It is next submitted that the alleged date of
occurrence is 20.03.2013 and the complaint came to be
instituted on 29.03.2014 i.e. after a delay of more than an year.
It is next submitted that the complainant alleges that he came to
know that accused Ambika Dutta has a plot of land at Shantipuri
(Anandpuri) Mohalla, Motihari, measuring 1 katha, thus he
intended to purchase 5 dhur of land for construction of house.



Thus, approached Ambika Dutta on 20.03.2013. It is further alleged that Ambika Dutta informed that the land was in the name of his mother i.e. the petitioner and also showed him the document and the price of the land was fixed at Rs.32 lacs for one katha but the complainant only intended to purchase 5 dhurs of land, while his uncle also wanted to purchase 5 dhurs of land, as such for 10 dhurs of land, the price was fixed at Rs.16 lacs, it is next alleged that the complainant on 05.04.2013 transferred Rs.3 lakh from his IDBI bank account to the account of the petitioner through R.T.G.S. on 04.04.2013 and thereafter again transferred Rs.3 lakh in the account of the petitioner from his Axis bank account. It is further alleged that the accused persons instead of registering the land siphoned off his money.

3. The learned counsel appearing on behalf of the petitioner next submits that the case is still under investigation against the petitioner. It is also submitted that petitioner had earlier moved this court seeking quashing of the instant F.I.R. i.e. Motihari Town P.S. Case No.327/2014 registered under Sections 406, 417, 420, 327, 396 and 506 of the Indian Penal Code but then the same was rejected by an order dated 18.09.2023. The learned counsel for the petitioner thus submits that this is the second attempt of the petitioner to seek the same



relief but under changed circumstance that the petitioner has repaid all the money which was credited in her account to the complainant and as such the grievance of the complainant stands redressed. It is next submitted that no doubt the FIR came to be instituted under various sections of the Indian Penal Code including Section 396 of the Indian Penal Code but then in the nature of allegation as alleged in the F.I.R., it would manifest that prima facie no offence under section 396 of the Indian Penal Code is made out against the petitioner.

4. The learned counsel appearing on behalf of the complainant Mr. Arvind Kumar submits that it appears that the F.I.R. inadvertently was also registered under Section 396 of the Indian Penal Code, when no such allegation is alleged. The learned counsel for the O.P. No.2 thus submits that he has instruction to make submission not to oppose the quashing application as grievance of the complainant stands redressed.

5. After hearing the learned counsel for the parties and in view of the submissions made by the learned counsel appearing on behalf of the O.P. No.2, the F.I.R. being Motihari Town P.S. Case No.327/2014 instituted under Sections 406, 417, 420, 327, 396 and 506 of the Indian Penal Code is hereby quashed.



6. It is made clear that the F.I.R. has been quashed
only with respect to the petitioner herein.

(Satyavrat Verma, J)

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