

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.520 of 2024

Arising Out of PS. Case No.- Year-0 Thana- District- Patna

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DEVENDRA PRASAD YADAV Son of Late Yadunandan Bhagat Resident of Modahi, Police Station-Bihta, District-Patna, permanent address-Nathupur Road, Police Station-Parsa Bazar, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Home Department, Govt. of Bihar, Patna. Bihar
2. The Director General of Police, Govt. of Bihar, Patna. Bihar
3. The Senior Superintendent of Police, Patna. Patna
4. The Deputy Superintendent of Police, Kotwali, Patna. Patna
5. Deputy Registrar, Registry Office, Patna. Patna
6. The Circle Officer, Dhanarua, District-Patna. Patna.
7. The Head Clerk, Registry Office, Patna. Patna
8. The Station House Officer, Gandhi maidan, Patna. Patna.
9. PUSHPA KUMARI Wife of Nawal Kumar Resident of Village-Raraha, Police Station-Dhanarua, District-Patna.

... .. Respondent/s

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Appearance :
For the Petitioner/s : Mr. Subhash Kumar, Advocate
For the Respondent/s : Mr. S.C.7

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 18-02-2025 The petitioner sold out a piece of land to respondent no. 9, Smt. Pushpa Kumari, by a registered deed of sale. It is contended on behalf of the petitioner that the petitioner agreed to sell half *a katha* of land at a consideration price of Rs. 600,000 (six lakhs). The purchaser agreed to purchase half a *Katha* of land and paid part consideration money of Rs.



200,000/- before the execution of the sale deed on a promise that the rest of the amount would be paid on the date of execution of the sale deed. Subsequent to the execution of the sale deed, the petitioner found that in place of half *Katha*, the purchaser in collusion with the deed writer and her husband recorded 12.5 *Katha* and took possession over the said land on the basis of the forged deed. Thus, it is contended on behalf of the petitioner that the private respondents committed offence under Section 420 of the IPC. The petitioner filed a complaint before the jurisdictional police station, but police refused to register the FIR.

2. In the course of the argument, it is submitted by the learned advocate for the petitioner that he has already filed a title suit for cancellation of the said deed, and the said suit is pending. However, the instant writ petition is filed for registration of FIR for the offence under Section 420 of the IPC.

3. The offence of cheating is defined in Section 415 of the IPC. The Section requires-

1. Deception of any person

2(a). Fraudulently or dishonestly inducing that person

(i) to deliver any property to any person or to consent



that any person shall retain any property, or

(b) intentionally induces that person to do or omit to do anything which he would not do or omit if he were not so deceived, and which act or omission causes or is likely to cause damage or harm to that person in body, mind, reputation, or property.

4. It is established that in case of cheating, deception by the accused or fraudulent or dishonest inducement must be from the very beginning of the transaction. In the instant case, it is found from the submission made by the learned Advocate for the petitioner that respondent no. 9 had no intention to deceive the petitioner from the very beginning because he paid part consideration money amounting to Rs. 200,000 on the date of settlement of the sale of the property. The only allegation against the respondent no. 9 is that he, in collusion with the deed writer and her husband, subsequently got the schedule of the property recorded as 12.5 *Kathas*. Therefore, the efficacious relief of the petitioner lies in filing a suit for cancellation or rectification of the deed. No criminal liability is attributed against the respondents in the instant case.

5. Therefore, I do not find any ground to allow the instant writ petition. Accordingly, the same is dismissed on



contest.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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