

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46207 of 2025

Arising Out of PS. Case No.-38 Year-2012 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

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Ranvir Yadav S/O Late Harivallabh Yadav R/O Village- Chukti, P.S- Mansi,
Distt.- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dhananjay Singh @ Saheb Singh S/O Late Vidyanand Singh R/O Village-
Bakhtiarpu, P.S- Mansi, Distt.- Khagaria.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-09-2025 Heard learned counsel appearing on behalf of the

petitioner and the learned APP for the State.

2. This application has been filed on behalf of the

petitioner for quashing the order taking cognizance dated
12.12.2012 passed by the learned C.J.M., Khagaria in
connection with Complaint Case No.38C of 2012 for the
offence under Sections 420, 467, 468 and 120(B) of IPC.

3. As per the allegations made in the complaint, under
conspiracy the complainant was called by the accused persons at
their house in relation to correction in an earlier executed sale
deed of Land which was executed by the complainant in favour
of the petitioner, and complainant along with petitioner came to



the District Sub-Registrar Office, where it is alleged that petitioner along with accused persons pressurized and threatened the complainant to put his signature and thumb impression and presented the deed before the Registrar for execution of the agreement.

4. Learned Counsel appearing on behalf of petitioner submitted that the CJM, Khagaria, in the most mechanical manner, without applying his judicial mind that the matter is purely civil in nature, which is evident from the allegation and the material available on records, has taken cognizance under Sections 420, 467, 468 and 120(B) of IPC against the petitioner vide order dated 12.12.2012. Learned Counsel further submitted that the complainant filed the complaint with an ulterior motive against the petitioner to harass in spite of the fact that the civil suit vide Title Suit No. 31 of 2012 is already pending between the parties before the court of learned Sub-Judge 1st Khagaria, relating to the said transaction the allegation do not call for any criminal prosecution under Sections 467, 471 and 420 of IPC against the petitioner.

5. Heard the parties.

6. From very perusal of the order taking cognizance dated 12.12.2012, it appears to be without application of judicial



mind.

7. I also find it apt to refer the observation made by the Apex Court in para-12 in case of ***Paramjeet Batra Vs. State of Uttarakhand*** reported in ***(2013) 11 SCC 673*** which is reproduced hereinafter:

“12. ...Whether a complaint discloses a criminal offence or not depends upon the nature of facts alleged therein. Whether essential ingredients of criminal offence are present or not has to be judged by the High Court. A complaint disclosing civil transactions may also have a criminal texture. But the High Court must see whether a dispute which is essentially of a civil nature is given a cloak of criminal offence. In such a situation, if a civil remedy is available and is, in fact, adopted as has happened in this case, the High Court should not hesitate to quash the criminal proceedings to prevent abuse of process of the court.”(emphasis supplied).

8. The Hon’ble Apex Court in the case of ***Usha Chakraborty Vs. The State of West Bengal*** reported in ***(2023) 15 SCC 135*** has observed *inter alia* in paragraph No.21 as follows : -

*“21. The factual position thus would reveal that the genesis as also the purpose of criminal proceedings are nothing but the aforesaid incident and further that the dispute involved is essentially of civil nature. The appellants and the respondents have given a cloak of criminal offence in the issue. In such circumstance when the respondent had already resorted to the available civil remedy and it is pending, going by the decision in *Paramjeet Batra [Paramjeet Batra v. State of Uttarakhand, (2013) 11 SCC 673 : (2012) 4 SCC (Cri) 76]*, the High Court would have quashed the criminal proceedings to prevent the abuse of the process of the Court but for the concealment.”*

9. The Apex Court has reiterated the aforesaid preposition in recent judgment of ***S.N. Vijayalakshmi & Ors.***



Vrs. The State of Karnataka and Anr. reported in ***(2025) SCC Online SC 1575.***

10. Considering the fact that a civil dispute vide (Title Suit No. 31 of 2012) is already pending between the parties before the court of learned Sub-Judge 1st Khagaria for the same piece of land, the matter appears to be purely being civil in nature and in the light of the observation made by the Apex Court in the case of ***Paramjeet Batra (supra), Usha Chakraborty (supra)*** and ***S.N.Vijayalakshmi (supra)***, the complaint itself should not have been entertained. Accordingly, the order taking cognizance dated 12.12.2012 is hereby set aside and quashed.

11. The present application accordingly stands disposed of.

(Purnendu Singh, J)

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