

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.1491 of 2023**

Arising Out of PS. Case No.-736 Year-2022 Thana- BETTIAH CITY District- West  
Champaran

=====

Krishnakant Singh @ Tinku Singh S/O Suryadev Narayan Singh R/O Ward  
No. 08, Christian Quarter, P.S.- Bettiah, District- West Champaran, Bihar  
... .. Petitioner/s

Versus

1. The State of Bihar Through The Director General of Police, Bihar Patna Bihar
2. The Superintendence of Police, West Champaran Bihar
3. The Station House Officer, P.S.- Bettiah Town (Kalibagh O.P.) Bihar
4. Albert James @ Dipu S/O James Lawrence Randit R/O Christian Quarter,  
P.S.- Bettiah, District- West Champaran, Bihar

... .. Respondent/s

=====

**Appearance :**

|                      |   |                                                              |
|----------------------|---|--------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Vishwajeet Kumar Mishra, Advocate<br>Mr. Akash. Advocate |
| For the Respondent/s | : | Mr. Sanjay Parasmani, AC to GP-4                             |

=====

**CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI**  
**ORAL ORDER**

4      28-01-2025                      The petitioner has approached this Court under constitutional jurisdiction for quashment of Bettiah Town (Kalibagh O.P.) P.S. Case No.736 of 2022 dated 12.10.2022 under Sections 406, 420, 448, 467, 468, 471, 472, 379, 384 & 34 of the Indian Penal Code instituted against him on the basis of a complaint submitted by one Albert James @ Dipu on 12.10.2022. The F.I.R. contained an allegation to the effect that on 04.04.2022, the father of the informant told him and his brother that their neighbor Krishna Kant Singh @ Tinku Singh got a piece of land transferred to his name without payment of consideration money in full by committing cheating and forgery.



2. The petitioner has filed a deed of sale executed by the erstwhile owner of the said property, namely, Kundan Kumar Rai in his favour at a consideration price of Rs.1,30,00,000/- (Rupees one caror thirty lacs only). It is the specific case of the petitioner that the father of respondent No.4, namely, James Lawrence Pandit was the original owner of the land with structure in question. He sold out the said land with structure to one Ravindra Rai by executing a deed of sale on 26.11.1973. After the death of the said Ravindra Rai his son Kundan Kumar inherited the property in question and he sold out the said property through a registered sale deed bearing No.24950 dated 23.09.2022 in favour of the petitioner and delivered peaceful possession of the land with structure. Thus, the petitioner has acquired right, title and interest over the property.

3. I have carefully perused the F.I.R., it is stated by the defacto complainant that by way of misrepresentation the petitioner did not pay the entire consideration money and got the sale deed executed. Thus, the dispute between the parties relates to execution of a sale deed without payment of consideration in full to the seller. The dispute is essential civil in nature, for which the defacto complainant has remitted by filing a suit for cancellation of deed of sale for non-payment of consideration



money.

4. On perusal of the materials on record, I do not find any material where criminal liability may be attributed against the petitioner.

5. The decisions of the Hon’ble Supreme Court in *Dr. Sonia Verma & Anr. Vs. The State of Haryana & Anr., Criminal Appeal No.1433 of 2024 (arising out of SLP (Crl.) No.10570 of 2023)* decided on 07.03.2024 and *Kim Wansoo Vs. State of Uttar Pradesh & Ors., Criminal Appeal No.- of 2025 (arising out of SLP (Crl.) No.4849 of 2020)* decided on 02.01.2025 may be cited as reference in support of the observation of this Court.

6. Considering such aspect of the matter, I do not find any material in the F.I.R. being Bettiah Town (Kalibagh O.P.) P.S. Case No.736 of 2022 dated 12.10.2022 under Sections 406, 420, 448, 467, 468, 471, 472, 379, 384 & 34 of the Indian Penal Code instituted against the petitioner is quashed and set aside.

7. Accordingly, the instant petition stands disposed of.

(Bibek Chaudhuri, J)

mdrashid/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

