

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16025 of 2022

Arising Out of PS. Case No.-261 Year-2019 Thana- BARAULI District- Gopalganj

1. CHANDRAMA SHARMA Son of Late Kapildeo Sharma Resident of Village - Belsand Tiwari Tola, P.S.- Brauli, District - Gopalganj.
2. Anil Sharma Son of Chandrama Sharma Resident of Village - Belsand Tiwari Tola, P.S.- Brauli, District - Gopalganj.
3. Sunil Sharma Son of Chandrama Sharma Resident of Village - Belsand Tiwari Tola, P.S.- Brauli, District - Gopalganj.
4. Dhanil Sharma Son of Chandrama Sharma Resident of Village - Belsand Tiwari Tola, P.S.- Brauli, District - Gopalganj.
5. Govind Kumar Sharma Son of Chandrama Sharma Resident of Village - Belsand Tiwari Tola, P.S.- Brauli, District - Gopalganj.
6. Indu Devi Wife of Chandrama Sharma Resident of Village - Belsand Tiwari Tola, P.S.- Brauli, District - Gopalganj.
7. Guria Devi Wife of Anil Sharma Resident of Village - Belsand Tiwari Tola, P.S.- Brauli, District - Gopalganj.
8. Mala Devi Wife of Sunil Sharma Resident of Village - Belsand Tiwari Tola, P.S.- Brauli, District - Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Bharat Sah S/O- Jagarnath Sah R/O-Belsand, P.S- Barauli, (Madhopur O.P), Dist-Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amir Alam, Advocate
For the Opposite Party/s : Mr. Dr. Indiwari Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ANSUL
ORAL ORDER

7 16-03-2026 Heard the parties.

2. This application has been filed for quashing the order dated 28.05.2021 passed by learned Addl. Chief Judicial Magistrate, XIV, Gopalganj whereby cognizance has been taken against the petitioners under Sections 147,



148, 323, 354, 379, 504 of the Indian Penal Code.

3. The allegation is that the informant states that while he was returning from shop, the accused persons along with other came and told him that they will demolish his house and thereafter, they assaulted and money was snatched.

4. The learned counsel for the petitioner submits that the matter essentially relates to land dispute and petitioner No.3, Sunil Sharma, had filed Barauli P.S. Case No.136 of 2019 which clearly shows that there is existence of land dispute between the parties. The case under Section 107 Cr.P.C. also going on between the parties.

5. Considering the matter which is essentially is civil dispute, as has been held in the case of **Anand Kumar Mohatta v. State (NCT) (2019)11 SCC 706**, has been given criminal colour. In the case of **Indian Oil Corporation Vs. NPEC (India) Ltd. (2006) 3 SCC (Cri) 188**, it was observed that any effort to settle dispute and claims, which don't involve any criminal offence by applying pressure through criminal prosecution should be deprecated and discouraged.



The Court noticed a growing trend in business circle to covert purely civil dispute into criminal cases.

6. In view of the above legal settled principle of law and in view of the facts as stated above, this petition is accordingly allowed and the order dated 28.05.2021 passed by learned Additional Chief Judicial Magistrate-XIV, Gopalganj is quashed.

sanjeev/-

U			
---	--	--	--

(Ansul, J)

