

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64236 of 2019

Arising Out of PS. Case No.-325 Year-2018 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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1. Vijay Kumar Singh Son of Late Raj Kumar Singh Resident of Village-Murli Basantpur, P.S.-Bangaon, District-Saharsa.
 2. Attar Devi Wife of Late Raj Kumar Singh Resident of Village-Murli Basantpur, P.S.-Bangaon, District-Saharsa.
 3. Badri Prasad Singh Son of Late Siya Sharan Singh Resident of Village-Murli Basantpur, P.S.-Bangaon, District-Saharsa.

... .. Petitioners

Versus

1. The State Of Bihar
3. Akhil Anand, aged about 23 years, S/o Late Dilip Kumar Singh, R/V- Murli Basantpur, P.S. - Bangaon, District- Saharsa

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr. Krishna Prasad Singh, Sr. Adv.
	:	Mr. Bhaskar Shankar, Adv.
For the Opposite Parties	:	Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

7 16-07-2026 Heard the parties.

2. At the outset, it is submitted by learned counsel for the petitioners that the petitioner no. 1, namely, Vijay Kumar Singh died during pending present petition and, therefore, his name should be deleted.

3. The same was also affirmed by learned counsel appearing for the informant and, therefore, this quashing petition now survives only against petitioner no. 2, namely, Attar Devi and petitioner no. 3, namely, Badri Prasad Singh.



4. That this is an application for quashing on behalf of the above named petitioners for setting-aside the order dated 31.10.2018 passed by the learned Sri P.K. Jha, A.C.J.M.-1, Saharsa in Complaint Case No. 325 (c)/2018 whereby and whereunder learned trial court has taken cognizance against the petitioners u/s 420, 465, 471, 419 of I.P.C.

5. That the prosecution story, in brief, is that the complainant Dilip Kumar Singh filed the present complaint case before the learned C.J.M., Saharsa on 03.04.2018 alleging therein that the petitioner no. 1(sine died) is his own brother and his father in his life time had make partition of the family property vide T.S. No. 40/86 and both the parties were in the peaceful possession of their respective share. It is further alleged that on 23.09.2014 all the petitioners in a conspiracy created a compromise petition by putting his (complainant's) forged signature on it and the complainant has never signed on it. It is further alleged that the petitioner no. 1 on the basis of fake compromise petition and in the connivance of the office of C.O., Kahra get cancelled the mutation no. 2173 which was in the name of complainant and area of the land is 1 bigha 6 katha 15 dhur and no notice was given to him. It is further alleged that thereafter the petitioner no. 1 started making pressure and threat



for vacating the land in question then he got certified copy of the order of C.O., Kahar.

6. On the basis of aforesaid complaint, after enquiry, the learned trial court took cognizance for the offences punishable under Sections 420, 465, 471, 419 of the Indian Penal Code against the petitioner.

7. It is submitted by Mr. Krishna Prasad Singh, learned senior counsel for the petitioner that the factual aspect of this case suggest that the forensic examination of signature and also the expert handwriting opinion are required essentially to establish a *prima facie* case but without going for all such preliminary enquiry and scientific enquiry, the learned Magistrate took cognizance in hurry which is bad in eyes of law. It is submitted that the signature on compromise petition of O.P. No. 2, was obtained by fraud means. It is also submitted that dispute is basically civil in nature for which the present criminal case is unoccasioned and unwarranted. It is also pointed out that Title Suit is already pending for the same piece of land which is pending before learned court of Saharsa as Title no. 485 of 2016.

8. From the submission as advanced by learned counsel for the parties, it transpires that the disputed facts was



raised by the petitioner for which scientific investigation is required, which can be ascertained during the trial only.

9. Considering the aforesaid, there is no occasion to interfere with the present impugned order, accordingly the present petition stands dismissed being devoid of merit.

10. As this case is of year 2018, learned trial court is directed to conclude the trial at its earliest, in accordance with law.

(Chandra Shekhar Jha, J.)

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