

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86110 of 2023

Arising out of PS. Case No.-466 Year-2023 Thana- MITHANPURA District- Muzaffarpur

Ashok Harswardhan S/o Late Akhilwashwar Prasad Narayan Singh Mohalla-
G.P. Das Lane, New Dak Banglow Road, Patna Also At Club Road, Mohalla-
Mithanpura, Ps. Mithanpura, Dist. Muzaffarpura At Present Residing At A-
28, Neeti Bagh, Sahpurjat, Defence Colony, P.S. Defence Colony, Dist. South
Delhi, Delhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ramvinod Sharma, S/o Late Mauze Mishra, R/o Village- Silout, Vashudev,
Ps. Maniyari, Dist. Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan, Advocate
For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ANSUL

ORAL JUDGMENT

Date : 13-05-2026

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks quashing of the FIR of Mithanpura
P.S. Case No. 466 of 2023 registered under Sections 420, 406, 467,
468, 469/34 of the Indian Penal Code pending before the Chief
Judicial Magistrate, Muzaffarpur.

3. The allegation is that the petitioner duped Rs.
11,50,000/- from the Opposite Party No. 2 on the assurance of
transfer of the land in question. It is further alleged that Rs.
23,50,000/- in cash was given to co-accused Dhristdhumna
Shukla. Thereafter, in the year 2017 two sale deeds were executed



by the petitioner for the land admeasuring about five decimals. One sale deed was executed in the name of Opposite Party No. 2 and another was in his wife's favour.

4. Learned counsel for the petitioner submits that the Opposite Party No. 2 deposited amount of Rs. 11,50,000/- as advance and promised to pay rest amount after the registration of the sale deed, thereafter, the petitioner executed two registered sale deeds in favour of the Opposite Party No. 2 and his wife. Thereafter, differences cropped up between them as the Opposite Party No. 2 began to demand registration of more valuable land. He further submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that the allegation is vague, cryptic and does not inspire confidence. It is also submitted by learned counsel for the petitioner that from perusal of allegation as alleged in the FIR it would manifest that the O.P. No. 2 does not even remotely suggest that as to what was the area of the land which was agreed in between him and the petitioner for being purchased. It is also submitted that in order to make out a false case, the O.P. No.2 alleges that he paid and father of the petitioner never sold the land in question to anyone else earlier. It is next submitted that had the father of the petitioner sold the land to someone else in that event the O.P. No.2 would have disclosed the



name of that person in the FIR, hence, it is submitted at the cost of repetition that the allegations are vague, cryptic and do not inspire confidence.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the quashing of the FIR.

6. The matter is purely a civil dispute for which remedy lies in a Civil Court in view of the decision of Hon'ble Supreme Court rendered in the case of **Mohd. Ibrahim v. State of Bihar** reported in (2009) 8 SCC 751. The relevant paragraph No. 8 reads as under:-

“8. This Court has time and again drawn attention to the growing tendency of the complainants attempting to give the cloak of a criminal offence to matters which are essentially and purely civil in nature, obviously either to apply pressure on the accused, or out of enmity towards the accused, or to subject the accused to harassment. Criminal courts should ensure that proceedings before it are not used for settling scores or to pressurise parties to settle civil disputes. But at the same time, it should be noted that several disputes of a civil nature may also contain the ingredients of criminal offences and if so, will have to be tried as criminal offences, even if they also amount to civil disputes.

7. Hon'ble the Supreme Court has reiterated the same principle rendered in the case of **Indian Oil Corpn. v. NEPC**



India Ltd. reported in **(2006) 6 SCC 73**. The relevant paragraph

No. 13 reads as under:-

“13. While on this issue, it is necessary to take notice of a growing tendency in business circles to convert purely civil disputes into criminal cases. This is obviously on account of a prevalent impression that civil law remedies are time consuming and do not adequately protect the interests of lenders/creditors. Such a tendency is seen in several family disputes also, leading to irretrievable breakdown of marriages/families. There is also an impression that if a person could somehow be entangled in a criminal prosecution, there is a likelihood of imminent settlement. Any effort to settle civil disputes and claims, which do not involve any criminal offence, by applying pressure through criminal prosecution should be deprecated and discouraged.

“It is to be seen if a matter, which is essentially of a civil nature, has been given a cloak of criminal offence. Criminal proceedings are not a short cut of other remedies available in law. Before issuing process a criminal court has to exercise a great deal of caution. For the accused it is a serious matter. This Court has laid certain principles on the basis of which the High Court is to exercise its jurisdiction under Section 482 of the Code. Jurisdiction under this section has to be exercised to prevent abuse of the process of any court or otherwise to secure the ends of justice.”

8. Considering the aforesaid facts and circumstances of the case as well as the judicial pronouncements of Hon’ble Supreme Court, the FIR of Mithanpura P.S. Case No. 466 of 2023 registered under Sections 420, 406, 467, 468, 469/34 of the Indian



Penal Code pending before the Chief Judicial Magistrate,
Muzaffarpur is quashed so far as the petitioner is concerned.

7. Accordingly, the present application stands allowed.

(Ansul, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	

