

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85170 of 2025

Arising Out of PS. Case No.-373 Year-2018 Thana- KADAMKUAN District- Patna

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1. Dr. Madhurendra Kumar Sinha S/o- Birendra Kumar Sinha R/V- Flat No 1605, B Wing, Mantri Serene, Film City Road, Dindoshi, Next To Mantri Park, Goregaon East, PS- Dindoshi, District - Mumbai
 2. Dr. Anuja M. Sinha W/o- Dr. Madhurendra Kumar Sinha R/V- Flat No 1605, B Wing, Mantri Serene, Film City Road, Dindoshi, Next To Mantri Park, Goregaon East, PS- Dindoshi, District - Mumbai, State - Maharashtra, Pin - 400065

... .. Petitioner/s

Versus

1. The State of Bihar
2. Poonam Keshri W/o- Smt. Anil Keshri R/o- Flat No. B-603, Saket Plaza, Jamal Road, P.S- Kotwali, District - Patna, Pin - 800001

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anuj Kumar, Advocate
		Mr. Eashita Raj, Advocate
For the Opposite Party/s :		Mr. Mrityunjaya Kr. Gautam, APP

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

3 16-06-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. By order dated 08.01.2026, notices were issued to Opposite Party No.2 and even after valid service of notice, Opposite Party No.2 has chosen not to appear and get herself represented through an advocate.

3. This petition has been preferred under Section 528 of the B.N.S.S. seeking quashing of Kadamkuan P.S. Case No. 373 of 2018, registered on 01.07.2018 under Sections 504, 379 and 34 of the Indian Penal Code against the petitioners.



4. As per the prosecution, the informant, namely, Poonam Kesari, alleged that she was running an educational institution known as “Poonam Stepping Stone Tutorial Study Centre” from a portion of the residential premises belonging to the petitioner no.1 (Dr. Madhurendra Kumar Sinha), situated at Sinha Mansion, M.P. Sinha Road, Kadamkuan, Patna, after paying Rs. 1,50,000/- towards renovation and agreeing to a monthly rent of Rs. 23,000/-. It is alleged that the petitioner no.1 (Dr. Madhurendra Kumar Sinha) later expressed his intention to sell the property and demanded an earnest money amount of Rs. 5,00,000/-, which the informant claims to have paid in cash on the understanding that the ownership of the premises would be transferred to her under the applicable norms. It is further alleged that despite repeated requests, the petitioner no.1 did not execute the registration deed. Instead, on a specified day, the petitioners and one Rajesh Kumar allegedly broke open the lock of the ground floor, entered the premises, and removed school furniture, swings, and other items belonging to the institution. It is further alleged that Rajesh Kumar snatched her handbag containing Rs. 5,000/- in cash, along with a cheque book, and fled away. It is further alleged that Rajesh Kumar and his wife abused and threatened her to implicate in a case in the presence



of staff members.

5. Learned counsel for the petitioners has submitted that the present allegation is false and a serious attempt has been made to falsely implicate the petitioners. It has further been submitted that no date of occurrence has been mentioned in the FIR, making the petitioners victim of circumstances. It has further been submitted that petitioner no.1 (Dr. Madhurendra Kumar Sinha) is the owner of the property and petitioner no.2 (Dr. Anuja M. Sinha) is his wife. It has further been submitted that the dispute as narrated in the FIR revolves around an alleged oral agreement for sale of immovable property, which is a civil dispute and cannot constitute a criminal offence, unless deception at the very inception is pleaded and proved, which is completely absent here. It has further been submitted that the FIR shows that the informant has been repeatedly asking for registration of the premises, which further confirms that the issue pertains to a contractual disagreement over transfer of property rather than any criminal activity. It has further been submitted that suddenly, in order to give criminal colour to a civil dispute, the FIR alleged that the petitioners and one Rajesh Kumar entered the premises, broke open the lock of the ground floor and removed school furniture, without mentioning any



specific date, time, witnesses, seizure list, or recovery of the alleged articles. It has further been submitted that the allegation of theft is baseless because the allegations pertain to premises owned by the petitioners' family and no document has been produced to show that the alleged furniture or articles belonged exclusively to the informant. It has further been submitted that the allegation that Rajesh Kumar and the petitioners' son took her bag containing Rs, 5,000/- and a cheque book and ran away, the same is inherently unnatural, improbable, and clearly an afterthought, introduced solely to invoke Section 379 IPC. It has further been submitted that no ingredient of cheating, criminal intimidation, misappropriation, house trespass, or theft is made out against the petitioner in the facts and circumstances of the case. It has further been submitted that the dispute on the face of it is undeniably civil in nature, as it arises out of tenancy, advance money for renovation, and alleged oral agreement to sell, and criminal prosecution cannot be permitted to continue in such circumstances.

6. Learned counsel for the petitioners has also referred to the judgment of the Hon'ble Supreme Court in the case of **State of Haryana vs. Bhajan Lal**; reported in **1992 Supplementary (1) SCC Page 335** and has submitted that the



allegation is levelled with malice, personal vendetta and to spite personal score. Learned counsel for the petitioners has further referred to the judgment of Hon'ble Supreme Court as rendered in **Mitesh Kumar J. Shah vs. State of Karnataka; reported in (2021) 15 SCC 595** and has submitted that criminal prosecution is not a remedy for breach of contract, if any, and cannot be a weapon to settle civil scores. Learned counsel for the petitioners has further referred to the judgment of Hon'ble Supreme Court of **G. Sagar Suri vs. State of UP; (2000) 2 SCC 636** and has submitted that the criminal proceedings cannot be used as a means of harassment. It has further been submitted that petitioners are doctors by profession and reside in Mumbai (Maharashtra) and in order to grab the property, the informant has misused the provisions of law in falsely implicating the petitioners.

7. Considering the totality of the materials and evidence on record and the facts and circumstances of this case, this Court having observed that the informant has misused the provisions of law to spite personal score when the petitioner no.1 is the owner of the property in question and petitioner No.2 being wife of petitioner no.1, this Court has no option, but to quash the FIR bearing Kadamkuan P.S. Case No. 373 of 2018.



8. This application stands allowed.

(Praveen Kumar, J)

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