

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.80140 of 2019**

Arising Out of PS. Case No.-30120 Year-2014 Thana- PATNA COMPLAINT CASE District-  
Patna

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SUDHIR PANDEY Son of Suresh Pandey Resident of Village - Samsher  
Nagar, P.O. - Samsher Nagar, P.S.- Daudnagar, Distt - Aurangabad (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Uma Shankar Gupta Son of Late Sukhdeo Narayan Gupta Resident of  
Mohalla - Mitra Sweets Gali Jewellers, Chitkohra Bazar, P.S.- Gardanibagh,  
Distt - Patna.

... .. Opposite Party/s

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**Appearance :**

|                            |   |                                                                                            |
|----------------------------|---|--------------------------------------------------------------------------------------------|
| For the Petitioner/s       | : | Mr.Purushotam Sharma, Advocate<br>Mr.Rajesh Roy, Advocate<br>Mr.Amish Kumar No.1, Advocate |
| For the Opposite Party/s : |   | Mr.Sunil Kumar Pandey, APP                                                                 |

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**CORAM: HONOURABLE MR. JUSTICE ANSUL**

**ORAL JUDGMENT**

**Date : 25-06-2026**

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

2. The application has been filed on behalf of the  
petitioner for quashing of the order dated 08.06.2015 and  
Complaint Case No. 30120(C) of 2014 where the J.M.1st Class,  
Patna took cognizance under Sections 406, 418, 120B and 506 of  
the IPC.

3. The allegation in the complaint is that the complainant  
and the accused no. 1 and 2 are own brother. The ancestral  
property was sold by accused no. 1 and 2 to accused nos. 3 to 8



dishonestly. The petitioner is accused no. 8 who was the purchaser of the property.

4. Learned counsel for the petitioner asserts that he had purchased the land from accused no. 1 and 2, namely, Daya Shankar Gupta and Uday Shankar Gupta by Sale Deed No. 5384 after giving due consideration money on dated 26.07.2014.

5. That the case of the complainant in the S.A. is very specific. He states that his brother Uday Shankar Gupta and Daya Shankar Gupta sold the joint property of the house to the petitioner and others without partition.

6. Learned counsel for the informant and learned Additional Public Prosecutor for the State has vehemently opposed quashing of the order of cognizance dated 08.06.2015.

7. It is the understanding of the Court sale of an undivided property to a third person only allows that person to enter into the shoes of the seller. Nobody can transfer a better title than he has. If the property fall within the share of the sellers in the newly constituted partition, the petitioner shall retain his title and if not so he will not get the title. In such situation the complaint is not only meaningless but also is out an out civil dispute for which criminal prosecution has been lodged to pressurize the other side. Consequent thereupon, the order of cognizance dated 08.06.2015



passed in connection with Patna Complaint Case No. 30120 of 2014 by the learned J.M.1st Class, Patna is quashed so far as the petitioner is concerned.

8. Accordingly, the present petition stands allowed.

(Ansul, J)

abhishekk/-

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 29.06.2026 |
| Transmission Date | 29.06.2026 |

