

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45414 of 2009

=====

1. Jyoti Prakash
2. Prem Prakash both sons of late Ravinandan Prasad Verma Permanent R/O Near Pumping Station, Pirmuhani, Patna- 800003, At Present Jyoti Prakash is residing at A-402, 4th Floor Ban Court Apartment, Sector- 43, Shushant Lok- I, Near Gold Sonk, Gurgaon- 122002 and Prem Prakash is residing At Flat No.- 402, Wing- A, Sunglow Building, Rahiya Vihar Powai, Mumbai- 400072

.... Petitioner/s

Versus

1. The State Of Bihar
2. Ratan Kumar Singh, Director, Systemex Colonisers and Builders Pvt. Ltd. S/O Shri Parmatmanand Singh R/O Godavari Apartment, Ashiyana Road, P.O.- B.V.College, P.S.- Shashtrinagar, Distt.- Patna- 800014

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dinesh Pandey, Advocate
For the State : Mr. Ajay Kumar, A.P.P.
For Opposite Party No.2 : None

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

7 28-06-2013 No one appears on behalf of the Opposite Party No.2.

The Petitioners seek quashing of the entire proceeding including the order dated 12.6.2009 passed by the Judicial Magistrate, 1st class, Patna in Complaint case No.34C of 2009 Trial No.1769 of 2009, by which he has taken cognizance in the matter.

The case of the Complainant is that the accused persons had approached him to sell their house situated in Patna. The Complainant got verified the situation of the house and a sum of Rs.57,25,000/- was finalized as sale money. An agreement for sale

was entered into between the parties. The Complainant allegedly paid a sum of Rs.22 lacs to the Petitioners but they did not execute the sale deed.

It has been submitted on behalf of the Petitioners that even conceding the facts of the case at best a civil dispute would be made out and the proper course for the Complainant would be to file a suit for specific performance if at all he was aggrieved. The Petitioners have also annexed a number of documents to demonstrate that it was the Complainant, who was at fault and not the Petitioners and the present complaint has been filed only with a view to pressurize them into selling their house on the terms he dictates.

Accepting the submissions advanced on behalf of the Petitioners, the application is allowed and the entire proceeding including the order dated 12.6.2009 passed by the Judicial Magistrate, 1st class, Patna in Complaint case No.34C of 2009 Trial No.1769 of 2009 is hereby quashed.

(Anjana Prakash, J)

Narendra/-