
(2023) 09 JH CK 0055

In the Jharkhand High Court

Case No : Criminal Miscellaneous Petition No. 2396 Of 2022

Rahul Choubey @ Rahul Kumar Choubey

APPELLANT

Vs

State Of Jharkhand And Others

RESPONDENT

Date of Decision : 21-09-2023

Acts Referred:

Indian Penal Code, 1860 — Section 120B, 408, 420, 467, 468, 471

Citation : (2023) 09 JH CK 0055

Hon'ble Judges : Gautam Kumar Choudhary, J

Bench : Single Bench

Advocate : Prashant Pallav, Rishi Bharti, A.K. Sahani

Final Decision : Dismissed

Judgement

Gautam Kumar Choudhary, J

Instant petition has been filed for quashing the F.I.R. and criminal proceeding arising out of East Tundi P.S. Case No.33 of 2022 under Sections 408, 420, 467, 468, 471, 120B of the Indian Penal Code pending in the Court of learned Judicial Magistrate, 1st Class, Dhanbad.

The case of the informant in brief, as set out in the F.I.R. is that he purchased 2.90 acres of land on 05.08.2013 by registered sale deed no.2832/3338 by Halдар Mandal and Anand Mandal and the land was duly mutated. Subsequently, the same land in his absence was sold by registered sale deed by imposter in collusion with Halдар Mandal and others including the petitioner who was Sub Registrar at Govindpur, Dhanbad. The said deed was executed by suppression of material facts regarding the ownership of the land in the name of the recorded tenant. On the basis of written report, F.I.R. has been lodged against eight accused persons. The accused is not named in the F.I.R., but still the instant quashing petition has been filed as he has also been alleged to have entered into criminal conspiracy with the other accused persons.

It is submitted by learned counsel on behalf of opposite party no.2 that there is

specific allegation in the F.I.R. that this petitioner in conspiracy with the other accused persons despite receipt of the report from the enquiry officer, sale deed was registered on presentation by the petitioner.

Petitioner is not named in the FIR and the investigation has also not been completed, under the circumstance the instant petition is premature.

Criminal Miscellaneous Petition is accordingly dismissed.