

In the Court of Avinash Kumar
Judicial Magistrate 1st Class, Benipatti
CR No. – 426/2022
Kiran Devi v. Gurusharan Paswan & Ors.

DATE OF ORDER	ORDER	REMARKS
01.12.2023	Today the case is posted for orders. Kiran Kumari has filed this complaint against Guru Sharan Paswan. The Ld. A.C.J.M took cognizance of the offence and transferred it to this court for inquiry and further proceedings in accordance with law. The court, while deciding, to summon the accused will adopt the standard as to whether the material on record reveals “sufficient ground for proceeding” or not. Case of the Complainant: It is alleged by the complainant that on 28/09/22 at around 08.00 A.M the husband of the complainant agreed to sell his land admeasuring one <i>Khatta</i> to the accused no. 1 (i.e. Gurusharan Paswan) for Rupees Eight lakhs and took her husband along with him to Benipatti for challan. In the evening the husband of complainant came back to home and told her that the accused has paid a sum of rupees fifty thousand cash and has promised to pay the rest amount (i.e. Rupees seven lakhs fifty thousand) later. It is further alleged by the complainant that she went to the house of accused persons on 29/09/22 and demanded rest amount from them but the accused refused to pay and said to pay at later point of time. It is also alleged by the complainant that she was subjected to lappar-thappar by the accused no. 1 and was intentionally insulted by them. During the inquiry, complainant got herself examined on oath u/s 200 Cr. P.C and also produced five inquiry witnesses namely (1) Chunnu Paswan (2) Chandeshwar Thakur 3) Shambhu Mandal 4) Meera Devi 5) Shree Chand Thakur, who were examined on oath u/s 202 Cr.P.C. Heard the learned counsel for complainant and perused complaint petition, S.A of complainant, statements of enquiry witnesses and other documents on record. From the perusal of entire record, it appears that the there was an oral agreement of sale of land between the parties for which the accused has paid a sum of rupees fifty thousand to the husband of complainant but the accused has refused to pay the rest amount. The E.W. 5 (i.e. husband of complainant) have also stated that he had received the amount of Rs. Fifty thousand from the accused no. 1 and have made registry of land in favor of accused who have assured to pay the rest amount of sale consideration later on at home. Hence, it is evident from the perusal of evidence of complainant and enquiry witnesses that it is matter of sale and purchase of land between the parties and there is some dispute for payment	

of consideration amount which seems to be of contractual nature and purely a civil matter.

Hence, in light of above observations, this court is of the view that no prima-facie case is made out and not sufficient material is on record to proceed against the accused persons as named in the complaint petition for the offence punishable under **Sections 323, 354(B), 406, 467, 468 of I.P.C.**

Thus, the following orders are passed:

ORDERS

Hence, this complaint petition is hereby dismissed under Section 203 of Cr.P.C.

O/c is directed to deposit the record to the record room within stipulated time.


J.M. 1st Class