

(2011) 09 JH CK 0060

Jharkhand High Court

Case No: Criminal M.R No. 1001 of 2006

Thakur Mahto, Saro Devi, Dahan
Prajapati and Mustaque Ansari

APPELLANT

Vs

The State of Jharkhand and Smt.
Shanti Devi

RESPONDENT

Date of Decision: Sept. 12, 2011

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 468
- Penal Code, 1860 (IPC) - Section 120B, 419, 420, 467, 468

Hon'ble Judges: Prashant Kumar, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

Prashant Kumar

1. This application has been filed for quashing the order dated 24.03.2006 passed by learned Judicial Magistrate Hazaribag in Complaint Case No. 1205 of 2005 corresponding to T.R. No. 1417 of 2006 whereby he took cognizance of the offences under Sections 419, 420, 467, 468, 471 and 120B of the Indian Penal Code.

2. It is submitted that in the complaint petition it is alleged that petitioners forged the signature of complainant in the year 1980 and by doing so they got the land of complainant transferred in their names. It is submitted that alleged offence said to have committed 25 years ago. From the allegation it appears that dispute between parties is purely civil in nature. Accordingly it is submitted that impugned order cannot be sustained.

3. On the other hand, Sri R.A. Choubey, learned counsel appearing for opposite party no. 2 submits that from the allegations made at paragraph 12 & 13 of the

complaint petition, offences of cheating and forgery is made out, thus there is no illegality in the impugned order.

4. Having heard the submissions, I have gone through the record of case. From perusal of complaint petition and statement of complainant on S.A. I find that complainant categorically stated that petitioners got the sale deed executed in their favour by committing offence of impersonation and forgery. Thus I find that prima-facie offences under Sections 419, 420, 467, 468, 471 read with Section 120B of the Indian Penal Code are made out. Contention of learned counsel for the petitioners that complaint filed after 25 years, thus no cognizance can be taken against petitioner appears to be misconceived because maximum punishment for offence u/s 467 is 10 years, thus there is no limitation prescribed u/s 468 of the Cr. P.C.

5. It is well settled that a criminal case can run simultaneously with civil case, because nature of two proceedings are different.

6. Considering the aforesaid facts and circumstances, I find no merit in this application. Accordingly same is dismissed.