

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.35289 of 2012**

- =====
1. Pappu Singh
  2. Baliram Singh

Both sons of Ram Lalit Prasad Singh, Resident of Mohalla - Last End of P & T Colony, P.S. - Mithanpura, District - Muzaffarpur

.... .... Petitioner/s

Versus

1. The State of Bihar
2. Manish Menghani, S/O Ramesh Chandra Menghani, Resident of Mehta Compound, Dr. B.N. Jha Lane, Mehta Compound, P.S. - Mithanpura, District - Muzaffarpur

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Pushpendra Kumar Singh

For the Opposite Party no.1 : Mr. D.Nandan, APP

=====

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA**  
**ORAL ORDER**

4      20-03-2015

Heard the parties.

The petitioners have filed the present application under Section 482 Cr.P.C. for quashing the order dated 03.04.2012 passed in Trial No.3710 of 2012 by learned Judicial Magistrate-1<sup>st</sup> Class, Muzaffarpur, whereby the petition filed on behalf of the petitioners for closing the case has been rejected.

Learned counsel appearing on behalf of the petitioners, by referring to certain documents and raising a plea of defence, submits that the impugned order dated 03.04.2012 is fit to be quashed. However, he has not pointed out any legal infirmity with respect to the impugned order dated 03.04.2012.

I am afraid the probable defence of accused persons cannot be a ground for quashing of an order passed by the learned Magistrate. The defence of an accused is required to be seen only during the course of trial. Acquittal of an accused from the criminal case is one thing, but quashing of the order passed by the

learned Magistrate is altogether a different thing.

In the factual matrix of the case, this Court does not find any good ground to interfere with the impugned order dated 03.04.2012 passed by the learned Magistrate. Accordingly, the present application is dismissed.

**(Birendra Prasad Verma, J)**

Arvind/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|