

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42685 of 2012

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1. Upendra Kumar S/O Late Baidnath Mahto Resident Of Village-
Bulakipur, P.S.- Dalsingsarai, District- Samastipur

.... Petitioner/s

Versus

1. The State Of Bihar
2. Deepak Kumar Singh S/O Late Deo Narain Singh Resident Of Village-
Basadhiya, P.S.- Dalsingsarai, District- Samastipur

... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md.Imteyaz Ahmad & Mr.Ajay
Kr.Thakur

For opp.party no.1 : Mr. Kumar Praveen.

For the Opp.PartState : Mr. Akshay Lal Pandit (App)

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

2 14-05-2015 This criminal miscellaneous application has been filed with

a prayer to quash the order dated 31-8-2012 through which the
court of Judicial Magistrate, 1st Class, Dalsingsarai, Samastipur
has taken cognizance of the offence punishable under section 420
of the Indian Penal Code in G.R.No. 40/12/TR1719/12.

2. Heard learned counsel for the petitioner and learned
counsel for the opposite party.

3. It is fairly well-settled that the High Court can quash
the first information report, and for that matter the order of
cognizance of an offence, if only the contents of the complaint do
not constitute an offence, even when taken on their face value.

4. In the instant case, opposite party no.2 has furnished a detailed account of events that have taken place in relation to alleged sale of the car by accused no.1 in his favour, the car being taken after payment of consideration and his being deprived of the possession thereof. Truth or otherwise of the allegation made against the petitioner needs to be considered only at the trial. It cannot be said that even if those allegations are true, no case is made out.

5. Therefore, this criminal miscellaneous application is dismissed.

B.KRoy/-

(L. Narasimha Reddy,CJ)

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