

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47845 of 2012

Arising Out of PS.Case No. -0 Year- null Thana -null District- MUZAFFARPUR

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1. Poonam Kumari, W/o Sri Vinod Kumar Choudhary
 2. Sri Vinod Kumar Choudhary S/o Ram Brit Choudhary
- Both resident of village-Chhajan Gond, P.S.-Kurhni, District-Muzaffarpur.
3. Surendra Thakur, S/o Ram Bilas Thakur R/o Village - Maghaur, Police Station - Kurhni, District – Muzaffarpur
- Petitioners

Versus

1. The State of Bihar
 2. Devendra Vidyarthi S/o Late Ram Swaroop Singh, R/o Mohalla - Hanuman Nagar, Police Station - Kazi Mohammadpur, District - Muzaffarpur
- Opposite Parties

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Appearance :

For the Petitioner/s : Mr. R.S. Pankaj, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 21-04-2015

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 7.9.2012 passed by the learned Sub-divisional Magistrate (East), Muzaffarpur in Case No. M-1510 of 2012 whereby the proceeding under Section 144 of the Code of Criminal Procedure (hereinafter referred to as “the Code”) was ordered to be converted under Section 145 of the Code.



The opposite party no. 2 has filed this application before the S.H.O., Kazi Mohammadpur Police Station, upon which a non-FIR Case No. 15 of 2012 was registered. After conducting inquiry into the allegation made in the complaint, the police recommended for initiation of proceeding under Section 144 of the Code vide its report dated 12th July, 2012. On receipt of the police report, the learned Sub-divisional Magistrate, Muzaffarpur issued notice to both the parties and asked for their respective show causes and directed them to appear on 2.8.2002. Subsequently, the proceeding under Section 144 of the Code was converted into a proceeding under Section 145 of the Code pursuant to the impugned order dated 7.9.2012 which is under challenge before this Court.

I find from the record that the learned Sub-divisional Magistrate has expressed his satisfaction on perusal of the police report that there is likelihood of breach of peace and, accordingly, he initiated a proceeding under Section 144 of the Code and, thereafter converted the same into a proceeding under Section 145 of the Code. The object of section 145 is merely to maintain law and order and to prevent a breach of peace. Since the Magistrate has expressed his satisfaction and has issued show cause notice to the respective parties just in order to ward off commission of breach of peace by initiating a proceeding under Section 145 of the Code, no

illegality can be found with such order.

In that view of the mater, I find no merit in this application. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J.)

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