

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.1534 of 2010

Arising Out of Complaint Case No.414(C) Year- 2008 District- PATNA

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Arun Kumar, son of late Harbansh Lal Grover, resident of “Grover House”, Boring Road, Opp. I.B.P. Petrol Pump, P.S. Shri Krishnapuri, Patna-800 001

.... Petitioner/s

Versus

1. The State of Bihar
2. Gyandeo Sharma, son of late Sukhdeo Sharma
3. Amarjyoti Sharma
4. Ambarjyoti Sharma
- Both sons of Gyandeo Sharma
5. Vishnu Sharma, son of Chandrabhal Rai
6. Naintara Sharma, wife of Gyandeo Sharma
7. Puja Sharma, wife of Amarjyoti Sharma
8. Anupma Sharma, wife of Vishnu Sharma
9. Sunil Kumar, son of late Baidyanath Mahto
10. Diwakar Sharma, son of Ramakant Sharma
- All residents of “Naintara Sadan”, West of I.B.P. Petrol Pump, Boring Road, P.S. Shri Krishnapuri, Patna – 800 001.
11. Kirtee Kapoor, son of late Keval Krishn Kapoor
12. Sushma Sharma @ Sushma Kapoor, wife of Kirtee Kapoor, both residents of Flat No. 145, Ground Floor, Mayur Vihar, Phase-II, Pocket-“E”, P.S. Pandav Nagar, New Delhi-110 091.
13. Budhdeo Sharma
14. Dharmdeo Sharma
15. Dhyandeo Sharma
- All sons of late Sukhdeo Sharma
16. Aruna Sharma, wife of Dhyandeo Sharma
17. Shashwat Kumar, son of Budhdeo Sharma
18. Arun Kumar, son of Dharmdeo Sharma
19. Ashishjyoti Sharma, son of Dhyandeo Sharma
20. Naresh Yadav, son of Ramkanth Rai
21. Anil Kumar Mehta, son of late Bishwanath Mehta
- All residents of Boring Canal Road, North of house of Dr. Akhilanand Thakur, P.S. Kotwali, Patna – 800 001.
22. Krishna Murari Singh, son of late Ragho Singh, resident of village Navrang (Sakra Navrang), P.S. Gautam Budh Nagar, Distt. Siwan.
23. Sachidanand Sharma, son of late Bishwanath Pd. Singh @ late Bindeshwari Pd. Sharma.
24. Abhishek Ranjan, son of Sachchidanand Sharma
25. Chandrakanta Sharma, wife of Sachchidanand Sharma
- All residents of village Khojpura, P.S. Telhada, Distt. Nalanda.
26. Gyaneshwar Prasad, son of Kailash Prasad
27. Yogeshwar Pasad, son of Gyaneshwar Prasad
- Both residents of Opp. Patliputra Telephone Exchange, P.S. Digha, Patna-800 013.
28. Ram Naresh Tiwari, son of late Anmol Tiwari @ late Amol Tiuri, resident of village Narayanpur, P.S. Mahua, Distt. Vaishali
29. Raj Kumar Singh, son of late Brahmdeo Singh, resident of village & P.O.

Tiwari, P.S. Manpur, Distt. Nalanda.

30. Ritesh Ranjan Singh, son of late Manoranjan Singh, resident of “Ram Tahal Bhawan”, Mohalla Punaichak, P.S. Shashtrinagar, Patna.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar-II, Adv.

Mr. Anil Kumar Singh, Adv.

For the State : Mr. R.P.S. Singh, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 29-06-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order dated 14.7.2010 passed by the Judicial Magistrate, 1st Class, Patna, in Complaint Case No. 414(C) of 2008.

It has been submitted on behalf of the Petitioner that while dismissing the Complaint, the Magistrate took note of the report of the City S.P. which had been submitted before the High Court in C.W.J.C. No. 61 of 2001 which was not justified.

Since at the stage taking cognizance, the Magistrate is not to look into any other material but the Complaint, S.A. and statement of witnesses recorded under Section 102 Cr. P.C, the counsel for the Petitioner is no doubt correct that the Magistrate should not have looked into such material while passing an order of cognizance.

However, in view of the narrative of the Complaint petition, I am inclined to hold that in the present case, scenario at best

a civil dispute is made out.

Hence, finding no merit in the application, the same is dismissed.

(Anjana Prakash, J)

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