

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36733 of 2012

Arising Out of PS.Case No. -70 Year- 2001 Thana -Rosera District- SAMASTIPUR

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1. Ashok Mandal
 2. Arun Mandal
 - Both are sons of Mahendra Mandal
 3. Raja Ram Mandal @ Sukhan Mandal, son of Mukho Mandal
 - All are resident of village-Khairalalpur, P.S. Rosera, District-Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Deo Narayan Mandal, son of Surya Narayan Mandal, resident of village-Sahar, P.S. Hathauri, District-Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra Advocate

For the Opposite Party/s : Mr. Kanhaiya Kishore, A.P.P.

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 07-05-2015

This is a totally misconceived petition. On the basis of a complaint submitted in the police station, alleging offences punishable under Section 304B and other provisions of the Indian Penal Code, the case is being tried by the Court of Additional District & Sessions Judge-cum-Fast Track Court-V, Samastipur as Sessions Trial No.312 of 2007.

The complainant is examined as P.W.1. It appears that the said witness turned hostile. On the basis of that, the present petition under Section 482 of the Code of Criminal Procedure is filed, with a prayer to quash the F.I.R., being Rosera P.S. Case

No.70 of 2001, itself.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

It is just an un-understandable as to how; an F.I.R. can be quashed, when the trial of the case is in progress. The petitioner has committed the gross misuse of the process of the Court. On account of the stay granted herein, the further proceedings in the case were stayed.

The petition is dismissed.

The trial Court shall take up the matter forthwith and proceed further.

(L. Narasimha Reddy, CJ)

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