

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11593 of 2013

Arising Out of PS.Case No. -1185 Year- 2008 Thana -PATNA COMPLAINT CASE District- -

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1. Chandradeo Singh S/O Late Laxman Singh Resident Of Village-
Parariyaon, Police Station- Bikram, District- Patna.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Baiju Singh S/O Late Chandeshwar Singh
3. Krishna Singh S/O Sri Rajeshwar Singh
4. Rajnish Kumar S/O Sri Baiju Singh
All Residents Of Village- Parariyaon, Police Station- Bikram, District-
Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. Sanjay Kr.Tiwary-1 (App)

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 07-05-2015

Heard the learned counsel for the petitioner.

The petitioner has filed this application under Section 482 Cr.P.C. for quashing the order dated 11.10.2012 passed by the J.M. 1st class, Danapur in complaint case No.1185(c) of 2008 whereby the learned court below has rejected the discharge application filed by the petitioner.

The learned counsel for the petitioner submitted that there is discrepancies in the testimony of four witnesses examined by the complainant and that they have not supported the complainant's case. According to the learned counsel, there is also land dispute between the parties and there is no sufficient



evidence to frame charge against the petitioner. The learned counsel further submitted that the petitioner has only three daughters and no male issue. The complainant-opposite party No.2 has implicated even the husband of three daughters of the petitioner which indicates that with a view to grab the land of the petitioner, the agnates i.e. the complainant has been filed a false case.

Perused the impugned order. It appears that the court below after considering the statements of the witnesses examined under Section 202 Cr.P.C. found that there is sufficient material to frame charge against the petitioner and, therefore, rejected the application.

It is settled principles of law that the High Court in exercise of its jurisdiction under Section 482 Cr.P.C. cannot go into the truth or otherwise of the allegation and appreciate the evidence if any available on record. Normally, the High Court would not intervene in the criminal case at the preliminary stage when the investigation/inquiry is pending. Interference by the High Court in exercise of jurisdiction under Section 482 Cr.P.C. can only be made where a clear case for such interference is made out. Frequent and uncalled interference even at the preliminary stage by the High Court may result in causing obstruction in

progress of the inquiry in a criminal case which may not be in the public interest. Reference may be made in this matter to the decision of the Supreme Court in the case of **M.N.Ojha & Ors. v. Alok Kumar Srivastav & Anr., (2009) 9 Supreme Court Cases 682**. In the present case, since the court below has after perusing the statements of the witnesses recorded finding that prima facie evidence is available against the petitioner, this Court in exercise of jurisdiction under Section 482, cannot reappreciate the same and record contrary finding.

Accordingly, I find no merit in this application and thus, this criminal miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

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