

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11566 of 2013

Arising Out of PS.Case No. -41 Year- 2000 Thana -HARIJAN District- -

=====

1. Gulab Chand Ram S/O Late Ganesh Ram
2. Bansh Narayan @ Ram S/O Late Ganesh Ram
3. Reeta Kharwar W/O Bansh Narayan Ram
All are R/O Village-Rajpur, Po.+P.S.-Rajpur, Distt.-Buxar

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. P.K.Chaurasia (App)

=====

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 07-05-2015 Heard the learned senior counsel, Mr. V.P.Pandey for
the petitioners.

The present application has been filed under Section
482 Cr.P.C. for quashing the order dated 05.10.2005 passed by
C.J.M., Patna whereby the court below has taken cognizance of
the offence under Sections 419, 420, 465, 468, 471, 120B of the
I.P.C. and Section 3(1)(ix), 3(2) (v) (vi) of the Scheduled Castes
and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The learned senior counsel submitted that the only
accused named in the F.I.R. is Wakil Ram. Subsequently, during
investigation, these petitioners were named. Earlier the named
F.I.R. accused Wakil Ram had filed Cr. Misc. No.32119 of 2000

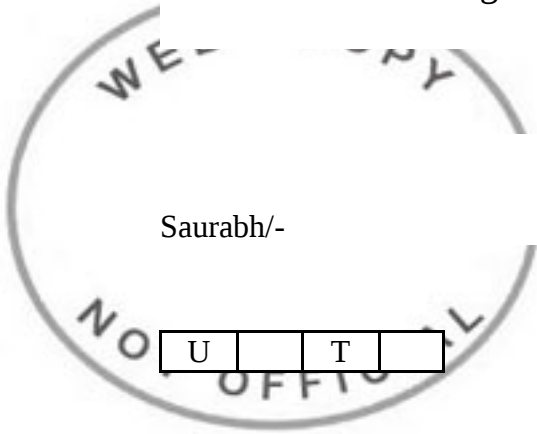


before this Court for quashing the F.I.R. of the S.C./S.T. Case No.41 of 2000(G.R. No.9 of 2000) and this Court after hearing the parties by terms of order dated 13.12.2010 had quashed the F.I.R. itself but then prior to this order passed by the High Court, the court below had taken cognizance. Therefore, the court is now insisting upon the petitioners to appear and face the trial. According to the learned senior counsel, if the very basis i.e. the F.I.R. has been quashed then there is no question of allowing the proceeding to continue arises.

Perused the order passed by this Court i.e. Annexure 2. It appears that Wakil Ram had filed the aforesaid Cr. Misc. No.32119 of 2000 under Section 482 Cr.P.C. for quashing the F.I.R. of S.C./S.T. Case No.41 of 2000(G.R. No.9 of 2000). This Court found that there is no substantial offence committed by the petitioner under the Section for which the criminal case was lodged and accordingly, the First Information Report of the aforesaid case was quashed by terms of order dated 13.12.2010. In view of this order passed by this Court now there is no question of continuation of the further proceeding in that criminal case arises because of the fact that now there is no basis to continue the case.

In the result, this criminal miscellaneous application

is allowed and the entire proceedings including the order taking cognizance is hereby quashed.



Saurabh/-

U		T	
---	--	---	--

(Mungeshwar Sahoo, J)