

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28129 of 2012

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Munna Prasad

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajkumar Rajesh

For the Opposite Party/s : Mr. M.Haque(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 20-02-2015

This application under Section 482 of the Code of Criminal Procedure has been filed seeking quashing of the order taking cognizance dated 16.4.2012 by which the learned Judicial Magistrate Ist Class, Hilsa at Nalanda has taken cognizance under Sections 420 and 120B of the Indian Penal Code in complaint Case No. 973(c) of 2011.

Learned counsel for the petitioner submits that the prosecution is malicious for the reason that prior to institution of the present case the petitioner had instituted the complaint case No. 679C of 2011 on 3.9.2011 for the same Court. Learned counsel further submits, referring to the first complaint petition that apparently, the complaint case has been instituted to settle the civil dispute.

Learned counsel for the petitioner has vehemently submitted that no offence under Section 420 of the Indian Penal

Code is made out on the basis of complaint petition and the evidence available before the learned Judicial Magistrate.

I have perused the complaint petition though the dispute between the petitioner and the complainant are of civil nature also but it cannot be said that no offence is made out on the basis of averments made in the complaint petition.

Be that as it may, in the facts and circumstances of the case, I dispose of the application with a liberty to the petitioner to raise the plea as has been taken in the present application before learned Judicial Magistrate Ist Class, Hilsa who is in seisin of the matter at the stage of framing of charge.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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