

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 3764 of 2016

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1. Jagdev Singh Son of Late Shobhi Singh
2. Laxminia Devi @ Laxminia Kuer Wife of Tribhuvan Singh
3. Suresh Singh Son of Vanshi Singh
4. Naresh Singh Son of Vanshi Singh
All residents of Village - Nahsi, P.O. - Bagwa, P.S. - Agiawan (Gadhani),
District - Bhojpur at Ara (Bihar).

.... Petitioners

Versus

1. The State of Bihar.
2. The Sub Divisional Magistrate, Ara Sadar, District - Bhojpur at Ara (Bihar).
3. The Circle Officer, Gadhani, District - Bhojpur at Ara (Bihar).
4. Pramila Kuer Wife of Late Visheshwar Bharti Resident of Village & P.O. - Bagwan, P.S. - Agiawan (Gadhani), District - Bhojpur at Ara (Bihar).

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Dhruv Narayan, Sr.Adv.
Mr. Abhishek, Adv.
For the Opposite Party/s : Mr. Umeshanand Pandit(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 02-09-2016 Heard Sri Dhruv Narayan, learned senior counsel, who was assisted by Sri Abhishek, learned counsel for petitioners and learned Addl. Public Prosecutor.

Four petitioners have approached this Court invoking its inherent jurisdiction under Section 482 of the Code of Criminal Procedure, with a prayer to quash entire criminal proceeding in Case No. 248 of 2011 pending in the court of learned Sub Divisional Magistrate, Sadar Ara, wherein the proceeding, which was initially started under Section 144 of the Cr.P.C., was subsequently

converted into a proceeding under Section 145 of the Cr.P.C.

At the very outset, on being asked as to whether if there is statutory remedy available to the petitioner(s), power under Section 482 of the Cr.P.C. can be invoked directly, the learned senior counsel for petitioners submits that there is judgment of the Hon'ble Supreme Court, reported in **(1985) 1 Supreme Court Cases 427 (Ram Sumer Puri Mahant -vs- State of U.P. and others)**, which suggests that in case of abuse of process of law, this Court has got ample power to interfere with the matter.

It is true that for stopping abuse of the process of law, this power can be exercised, but if the Court is satisfied that there is already statutory remedy available to the party, he/she must first avail the said remedy.

I do not find any ground to interfere with the matter.

The petition stands dismissed.

(Rakesh Kumar, J.)

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