

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1875 of 2016

Arising Out of PS.Case No. -98 Year- 2014 Thana -BABUBARHI District- MADHUBANI

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1. Suraj Rai, son of Dhanpat Rai.
 2. Kiran Devi, wife of Kamal Deo Rai.
 3. Sakaldeo Rai, son of Suraj Rai.
 4. Kamal Deo Rai, son of Suraj Rai.
 5. Kapil Deo Rai, son of Suraj Rai.
 6. Ranju Devi, wife of Sakaldeo Rai.
 7. Bindu Devi, wife of Suraj Rai.
 8. Reena Devi, wife of Kapildeo Rai.

All resident of Village- Murahahi, P.S.- Babubarhi, District-Madhubani.

.... Petitioners.

Versus

1. The State of Bihar.
2. Veena Devi, wife of Brahamdeo Rai, Daughter of Bechu Rai, resident of Village- Dudahi, P.S- Babubarhi, District- Madhubani.

.... Opposite Parties.

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Appearance :

For the Petitioners : Mr.

For the Opposite Parties : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date: 29-09-2016

Heard.

2. This application, under Section 482 of the Code of Criminal Procedure, has been filed on behalf of the petitioners to quash the order dated 13.11.2014 passed in Babubarhi P.S. Case No.98 of 2014/T.R. No.257 of 2015, whereby the court of Additional Chief Judicial Magistrate-II Madhubani took the cognizance of the offences under Sections 323, 379, 494 and 498A/34 of the Indian Penal Code against the accused-petitioners.

3. Learned counsel for the petitioners submits that there is vague and general allegation in the complaint petition, which is the basis of the F.I.R., against the petitioners.

4. On going through the impugned order, it appears that the learned Additional Chief Judicial Magistrate-II, Madhubani, took the cognizance of the offence under Sections 323, 379, 494 and 498(A)/34 of the Indian Penal Code against the petitioners on perusal of the materials available in the case diary. As such, I find no illegality in the impugned order amounting to abuse of the process of the court for interference with the same in inherent jurisdiction under Section 482 of the Code of Criminal Procedure of this Court.

5. Accordingly, this application is dismissed.

(Rajendra Kumar Mishra, J)

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