

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.2282 of 2016**

Arising Out of PS.Case No. -471 Year- 2014 Thana -JAKKANPUR District- PATNA

- =====
1. Dewanti Devi @ Devti Devi @ Devki Devi Wife of Dilip Kumar Chaudhary  
2. Chandan Kumar Chaudhary son of Chandrashekhar Chaudhary both resident of Old Jakkanpur, D.B.C.Complex, Police Station - Jakkanpur, District Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Syed Asgher Najmi, Adv.  
For the Opposite Party/s : Mr. M.Dayal(App)

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

2      05-08-2016      Heard both sides.

The petitioners filed this quashing petition for quashing the order dated 27.07.2015 by which the learned Judicial Magistrate took cognizance under Sections 323, 341, 34 of the Indian Penal Code.

The informant Puja Kumari lodged Jakkanpur P.S. Case No. 471/2014 under Sections 323, 341 and 34 of the Indian Penal Code stating therein that while she was washing her mouth her aunt Dewanti Devi began to abuse and assaulted her. Her brother Chandan Kumar also came and assaulted her and also scratched her body with nail.

The police after investigation submitted charge-sheet under Sections 323, 341 and 34 of the Indian Penal Code. Learned Judicial Magistrate after perusing the record took cognizance.

Learned counsel for the petitioner submits that petitioners are the relatives of the informant and false case has been lodged against the petitioners. It is further submitted that petitioner no. 2 was not even present at the place of occurrence. He was posted in Motihari as Junior Engineer (Civil) in Awar Pramandal Sankhya – 3. The Sub –divisional Officer issued a letter that on 03.12.2014 he was present in the office.

During the course of investigation, the plea of alibi is not found true. Order impugned shows that the learned Judicial Magistrate found sufficient material only then took cognizance of the offences. No illegality is shown in the order impugned.

Considering the aforesaid facts, I do not find any merit in this quashing petition and accordingly the same is dismissed.

**(Prabhat Kumar Jha, J.)**

Vinita/-

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