

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11963 of 2016

Arising Out of PS.Case No. -548 Year- 2015 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

- =====
1. Veena Singh, Wife of Devendra Prasad Singh
 2. Rajani Singh, D/o Devendra Prasad Singh
 3. Saket Kumar Singh, Son of Devendra Prasad Singh, All are resident of Village- Shijhatt, P.S.- Dhoraiya, District- Banka, at present residing in the Mohalla- Jogsar, Gobar Lane, P.S.- Adampur, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rashmi Singh, Wife of Saket Kumar Singh, D/o Vijay Singh, resident of Mohalla- West Lohanipur, Parmeshwar Singh Lane, P.s.- Kadam Kuan, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Mr. Raj Kishore Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-06-2016

The present application has been filed for quashing of the First Information Report of Kotwali(Adampur) P.S. Case No. 548 of 2015 registered under Sections 498A, 323, 504/34 of the Indian Penal Code, pending in the Court of learned Chief Judicial Magistrate, Bhagalpur.

It is submitted by learned counsel for the petitioners that earlier also the informant had filed Complaint Case No. 3629C of 2013 with similar accusation wherein the prosecution has been quashed with regard to other family members except husband of the informant Saket Kumar Singh vide order dated 18.03.2016 passed in Cr. Misc. No. 27916 of 2014. It appears that the present F.I.R has been registered on

03.09.2015 and subsequent to that the prosecution of Complaint Case No. 3629C of 2013 has been quashed.

It is the settled law that the F.I.R can only be quashed if the accusation does not constitute prima facie cognizable case or the prosecution is barred under certain law. Hence, this Court is not inclined to interfere at this stage. Moreover the case was registered on 03.09.2015 but there is nothing on record to suggest the present stage of the case.

Accordingly the application is disposed of with liberty to the petitioners to raise all the contentions at the appropriate stage.

(Dinesh Kumar Singh, J)

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