

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26073 of 2014

Arising Out of PS.Case No. -350 Year- 2012 Thana -LAHERIASARAI District- DARBHANGA

1. Devendra Kumar Lal, S/o Late Kameshwar Lal.
2. Amit Kumar, S/o Devendra Kumar Lal.
3. Krishna Kumar, S/o Devendra Kumar Lal.
4. Rajan Kumar, S/o Devendra Kumar Lal. All are permanent residents of village - Budhkara, P.S. - Sinuara, District - Muzaffarpur at present all are residing at Postal Training Colony, Bela Morh, P.S. - L.N.M. University, District - Darbhanga.

.... Petitioners

Versus

1. The State of Bihar.
2. Randhir Kumar, Son of Late Rajendra Prasad Choudhary, resident of Village - Sinuara, Police Station - Bahadurpur, District - Darbhanga. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Durga Nand Jha, Advocate
For the Opposite Party/s : Mr. Akbar Ali, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 20-06-2016

Heard learned counsel for the petitioner and learned counsel for the State.

A complaint case filed by the opposite party No. 2 is the basis for registration of Laheria Sarai P.S. Case No. 350 of 2012. It has been alleged that the petitioners had assured to the opposite party No. 2 a job in Durgapur Steel Plant, and believing their assurance to be true, the informant is said to have given him a sum of Rs. 2,00,000/- in cash on 07.01.2009. Rest amount was promised to be paid subsequently. It is further alleged that the informant had deposited a sum of Rs. 1,58,000/- in the account number which was

provided by the accused persons. They could neither provide the complainant any job nor returned the money. With an allegation that in a well planned organized manner, the accused persons defrauded the informant, he filed this complaint case, which was subsequently registered as Laheria Sarai P.S. Case No. 350 of 2012 under Section 156(3) of the Code of Criminal Procedure.

This application for quashing of the First Information Report is based on certain materials brought on record by way of affidavit. It has been asserted that the petitioners have nothing to do with the transaction, in question, and they have been implicated only for the purpose of harassing them.

I have perused the complaint petition, which is the basis for registration of First Information Report. The allegations make out offence punishable under various Sections of the Indian Penal Code, which are cognizable in nature. The First Information Report, in such circumstance, cannot be quashed in exercise of power under Section 482 of the Code of Criminal Procedure.

This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

Vats/-

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