

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21899 of 2016

Arising Out of PS.Case No. -1070 Year- 2015 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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Gaya Prasad Singh, son of late Gangajali Singh, resident of Village
+PO+PS- Amidabad, District Katihar.

.... Petitioner

Versus

1. The State of Bihar.

2. Arvind Kumar Singh, son of late Balbhadra Singh Resident of Village:-
Colony No. 1 Durga Asthan, Katihar, PS+District Katihar.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Ambika Bhagat

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 01-08-2016 Heard Sri Ambika Bhagat, learned counsel for the

petitioner and Sri Damodar Prasad Tiwary, learned Addl. Public

Prosecutor.

The sole petitioner has approached this Court,
invoking its inherent jurisdiction under Section 482 of the Code of
Criminal Procedure, with a prayer to quash an order dated
18.06.2015 passed in Complaint Case no.1070/2015 by the learned
Judicial Magistrate, 1st Class, Katihar, whereby the learned
Magistrate has taken cognizance of offence under Sections 323,
504 and 500 of the Indian Penal Code.

It was submitted by learned counsel for the
petitioner that the petitioner had appeared as a witness on behalf of

the prosecution, in which relative of the complainant was accused. Since the petitioner deposed against the family members of the complainant. The complainant is a practising advocate and had cross-examined the petitioner. On false accusation the present complaint petition has been filed. He submits that the allegation is improbable and on this very ground, a prayer has been made to quash the order of cognizance.

Besides hearing learned counsel for the parties, I have also perused the materials on record. The learned court below conducting enquiry has passed order of cognizance. While exercising power under Section 482 of the Code of Criminal Procedure, it would be difficult to examine the question of probability. Such question can be examined at the appropriate stage before the court below, not at this stage.

The petition stands dismissed.

(Rakesh Kumar, J)

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