

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21557 of 2013

Arising Out of PS.Case No. -72 Year- 2013 Thana -KHAGAUL District- PATNA

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1. Shyam Babu Nonia, Son of Late Nanhu Nonia
 2. Hari Nandan Chauhan Son of Shyam Babu Nonia
 3. Birju Chauhan Son of Shyam Babu Nonia
 4. Chandan Nonia, Son of Shyam Babu Nonia
 5. Sumitra Devi, Wife of Shyam Babu Nonia.

All are residents of Village- Govindpur, P.O. + P.S.- Phulwarishariff, District- Patna

.... Petitioners

Versus

1. The State of Bihar
2. Tapeswar Prasad, Son of Late Lalji Ram, Resident of Railawas No. 5/C.D.,
P.O. + P.S.- Khagaul, District- Patna

.... Opposite Parties

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Appearance :

For the Petitioner/s :

For the Opposite Party/s : Mr. R.P.S.Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 29-02-2016

No one appears on behalf of the petitioners.

This application has been filed under Section 482 of the Code of Criminal Procedure for quashing of the First Information Report vide Khagaul Thana P.S. Case No. 72 of 2013, disclosing offences punishable under Sections 406 and 420/34 of the Indian Penal Code.

From the application, it appears that the sole ground which has been taken for quashing of the First Information Report is that liability, if any, on the petitioners, on the basis of the allegation

contained in the complaint petition which was converted into a First Information Report under Section 156(3) of the Cr.P.C.; is of civil nature and it doesn't constitute any criminal liability.

Upon perusal of the First Information Report, I do not find any substance in the plea taken by the petitioners for quashing of the First Information Report, in view of the law laid down by this Court in case of **M/s Jai Mata Di Rice Mill & Ors v. The State of Bihar & Ors.** reported in **2015(4) BBCJ V-335**.

This application stands dismissed, accordingly.

(Chakradhari Sharan Singh, J)

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