

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 24469 of 2013

Arising Out of PS.Case No. -508 Year- 2012 Thana -GAYA COMPLAINT CASE District- GAYA

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K.P. Yadav @ Kameshwar Prasad Yadav son of Late Jagan Yadav resident of Mohalla- Tutwari Near Chandrashekhar Janta College, P.S.- Kotwali, District- Gaya

.... Petitioner

Versus

1. The State of Bihar

2. Susree Sangita Sinha, daughter of Late Sushil Kr. Sinha permanent resident of 41, Krishna Kunj Apartment, Boring Road, P.S.- Sri Krishna Puri, District- Patna, at present resident of Sri Sri Ravi Shankarji Ashram, Village- Sheikhwara, P.O.- Zindapur, P.S.- Magadh University- District- Gaya

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar Sinha, Sr.Adv.
Mr. Sanjay Kumar Sharma, Adv.

For the Opposite Party/s : Mr. Nityanand Tiwari(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 29-03-2016 Heard Sri Birendra Kumar Sinha, learned senior counsel, who was assisted by Sri Sanjay Kumar Sharma, learned counsel for the petitioner and learned Addl. Public Prosecutor.

The petitioner, invoking inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure, has prayed for quashing of an order dated 09-10-2012 passed by learned Judicial Magistrate 1st Class, Gaya in Complaint Case No. 508 of 2012 (Trial No. 25 of 2012). By the said order, the learned Magistrate has taken cognizance of offence under Section 406 and 420 of the Indian Penal code after examining the witnesses as well

as examining the complainant on oath.

Learned senior counsel for the petitioner tried to persuade the Court that in a dispute of civil nature, colour of criminal offence has been given and as such, according to him, the order of cognizance is required to be set aside. He further submits that the petitioner has filed complaint petition and subsequently, she has also filed title suit for specific performance.

Besides hearing, I have also perused the materials on record. On perusal of order impugned, I do not find any error warranting interference.

The petition stands dismissed.

(Rakesh Kumar, J.)

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