

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21902 of 2013

Arising Out of PS.Case No. -1487 Year- 2012 Thana -COMPLAINT CASE District- JAMUI

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1. Rakesh Aundwar, son of Late Satendra Prasad
2. Sanyukta Devi, wife of Late Satyendra Prasad,
Both residents of Mohalla Shastri Colony, Jamui, P.S. and
District – Jamui Petitioners

Versus

1. The State of Bihar
2. Sunil Kumar Sinha, son of Late Parmeshwar Prasad, resident of Village
Shastri Colony, Jamui, P.S. and District Jamui Opposite Parties

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. Anil Kr.Singh 1(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5 08-08-2016 Heard learned counsel for the petitioners, Sri Anil Kumar Singh, learned Addl. Public Prosecutor and Sri Jitendra Kumar Pandey, learned counsel, who has appeared on notice on behalf of the complainant/Opp.Party no.2.

In the present petition, the petitioners have prayed for quashing of an order dated 12.12.2012 passed by learned Judicial Magistrate, 1st Class, Jamui in Complaint Case no.1487C of 2012, whereby after enquiry the learned Magistrate has taken cognizance of offence under Sections 323, 341, 504, 384/34 of the Indian Penal Code.

It was submitted by learned counsel for the petitioners that one day prior to lodging of the present complaint, from the petitioners side a case was lodged against the

complainant side vide Jamui P.S. Case No.266/2012 , in which the police after investigation submitted chargesheet. He submits that the present case was initiated maliciously with a view to create defence in the case, in which complainant side was made accused. On this very ground, a prayer has been made for quashing the order of cognizance.

Learned counsel for the complainant/Opp.Party no.2 submits that since long, the petitioners are aggressor over the land, which was purchased by the complainant long back. Prior to the present occurrence in the year 2009 also, the petitioners had committed certain offence, for which from the complainant side an F.I.R. was lodged. He further submits that in this case after filing of the complaint petition, witnesses were examined and during enquiry, witnesses have corroborated the allegation made in the complaint petition and only thereafter, the order of cognizance was passed.

Besides hearing learned counsel for the parties, I have perused the materials on record. After examining the impugned order, I do not find any apparent error warranting interference. The petition stands dismissed.

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(Rakesh Kumar, J)