

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 30659 of 2014

Arising Out of PS.Case No. -1603 Year- 2011 Thana -COMPLAINT CASE District- JAMUI

- =====
1. Ramanand Singh @ Ramanand Rao son of Late Fakira Singh
 2. Ramkali Devi wife of Ramanand Singh @ Ramanand Rao
 3. Santosh Kumar son of Ramanand Singh @ Ramanand Rao
 4. Pipuls Kunal @ Pipul Kunal son of Ramanand Singh @ Ramanand Rao
 5. Sanjay Singh son of Ramanand Singh @ Ramanand Rao
- All resident of Mohalla - Ashok Nagar Road No. 1, P.S. Kankarbagh,
District - Patna
6. Naresh Kumar son of Late Deonath Mahto Resident of Azad Nagar,
Road No. 1, Kankarbagh, P.S. Kankarbagh, District - Patna

.... Petitioners

Versus

1. The State of Bihar
2. Shrimati Babita Devi wife of Shri Ranjit Kumar Sinha Resident of
Gungti Post Chumba, P.S. Khaira, District - Jamui

.... Opposite Parties

=====

Appearance :

For the Petitioner/s : Mr. Bindhya Keshri Kumar, Sr.Adv.
Mr. Arun Sharma, Adv.

For the Opposite Party/s : Mr. Manish Kumar No.2 (App)
Mr. Ravi S. Pankaj

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 17-03-2016 Heard Sri Bindhya Keshri Kumar, learned senior
counsel, who was assisted by Sri Arun Sharma, learned counsel
for petitioners, learned Addl. Public Prosecutor as well as learned
counsel for complainant/opposite party no. 2.

Six petitioners, invoking inherent jurisdiction of this
Court under Section 482 of the Code of Criminal Procedure, have
prayed for quashing of an order dated 17-06-2014 passed by
learned Judicial Magistrate 1st Class, Jamui. By the said order, the

learned Magistrate has rejected the discharge petition filed under Section 245 of the Cr.P.C. on behalf of petitioners.

Learned senior counsel for petitioners assailing the order submits that on perusal of the complaint petition, it is evident that the dispute was civil in nature, but colour of criminal offence has been given. He further submits that even the proceeding is fit to be set aside on the ground that cause of action arose within the territorial jurisdiction of Patna, whereas, the complaint petition was filed in the district of Jamui. He further submits that the learned Magistrate, while rejecting the discharge petition, has not applied its mind in right perspective.

Learned Addl. Public Prosecutor as well as learned counsel for complainant/opposite party no. 2 have opposed the prayer of petitioners. It has been argued that on perusal of complaint petition itself, it is evident that some of the cause of action arose within the territorial jurisdiction, where the complaint petition was filed. To corroborate the submission, learned counsel for the complainant has specifically referred to paragraph – 2 of the complaint petition.

Accordingly, so far as first point is concerned, keeping in view the fact that part of cause of action arose within the jurisdiction of court where the complaint was filed, the prayer

for interference with the order, on the ground of lack of jurisdiction, is not tenable and is, hereby, rejected.

Regarding the submission that entire family members have been made accused, the Court is of the opinion that all those facts are required to be examined by the trial court, not by this Court, that too while exercising inherent jurisdiction.

Accordingly, I do not find any ground to interfere with the impugned order.

The petition stands dismissed.

It goes without saying that the plea, which has been taken in the present petition, shall always be open to be raised by the petitioners before the court below.

(Rakesh Kumar, J.)

Anay

U		T	
---	--	---	--