

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27974 of 2013

Arising Out of PS.Case No. -338 Year- 2012 Thana -DALSINGHSARAI District- SAMASTIPUR

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Ajay Kumar Under The Guardianship Of His Father Shambhu Rajak , son of Late Mahendra Rajak Resident Of Chaklokman Gandhi Road, Ward No. 9, Under Dalsinghsarai Nagar Parishad, P.O+ P.S- Dalsinghsarai, District- Samastipur.

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chaudhary Shyam Nandan

For the Opposite Party/s : Mr. Ajay Kumar 1(APP)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 22-04-2016 Heard Sri Chaudhary Shyam Nandan, learned counsel
for the petitioner and learned A.P.P.

The petitioner, has approached this Court invoking its inherent jurisdiction under Section 482 of the Code of Criminal Procedure, for quashing of entire criminal proceeding in connection with Dalsinghsarai P.S. Case No. 338 of 2012 registered for the offence punishable under Sections 457, 380 /511 of the Indian Penal Code.

Learned counsel for the petitioner submits that in the F.I.R. the petitioner was not named as accused, however, during investigation his name has transpired on the basis of confessional statement of the co -accused. Learned counsel for the petitioner

submits that petitioner has not been charge sheeted till date.

The Court is of the opinion that if the petitioner is not named in the F.I.R., certainly F.I.R. cannot be set aside. Secondly, if till date no charge-sheet has been submitted, certainly there is no proceeding before the court below and as such, no question of quashing any proceeding arises.

The petition stands dismissed.

(Rakesh Kumar, J)

Praful/-

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