

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3189 of 2016

Arising Out of PS.Case No. -592 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Mohan Lal @ Mohan Singh son of Late Shiv Shankar Singh
2. Jitendra Singh
3. Satyendra Singh @ Satyendra Kumar @ Satendra Kr.
4. Surendra Singh @ Surendra Kumar Singh
5. Birendra Singh @ Birendra Kumar Singh
6. Dharmendra Singh @ Dharmendra Kumar
All 2 to 6 sons of Mohan Lal @ Mohan Singh All are resident of Mohalla
Chowk Nala Par, P.S. Chowk, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Rita Devi, wife of Late Mahavir Singh, resident of Mohalla Shah Fasahat
Ka Maidan, P.S.- Chowk, District Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar, Advocate
For the Opposite Party/s : Mr. Nitya Nand Tiwary (App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

2 29-07-2016

Heard learned counsel for the
petitioners and the complainant.

The present application has
been filed for quashing of the order dated 07.12.2015 passed
by Judicial Magistrate, Ist Class, Patna City in Complaint Case
No. 592 of 2015 whereby processes have been directed to
issued and cognizance has been taken under Sections 147,
323, 354 and 379 of the Indian Penal Code.

The prosecution case is that on

14.05.2015 at 6.00 A.M. the accused persons entered into the house of the complainant, abused the complainant, assaulted her and pulled her sari, thereafter they taken clothes worth Rs. 25,000/- and jewellery worth of Rs. 1,50,000/-.

It is submitted by the learned counsel for the petitioners that petitioners are agnates of the complainant and accusation has been levelled in the background of the fact that co-accused Dharmendra Kumar lodged Chowk P.S. Case No. 66 of 2015 levelling accusation under Sections 147, 148, 149, 504, 426 and 436 of the Indian Penal Code at earlier point of time. Hence, as a retaliatory major the present case has been filed. Mere, paragraph-6 of the complaint reflects that since the compensation amount was not given to the extent of share of her late husband and protest was made for the same, hence, the accused persons committed the offence.

It is submitted by the learned counsel for the complainant that at the level of taking cognizance the Court has only to see prima facie. The accusation has been supported by the complainant in S.A. and the enquiry witnesses. Though, the prima facie it appears that the case has been lodged in the background of civil nature of dispute between the parties, but this Court is not inclined to interfere at this stage.

The application is disposed of

with liberty to the petitioners to raise all the grievances at the time of framing of charge.



(Dinesh Kumar Singh, J)

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