

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14094 of 2016

Arising Out of PS.Case No. -149 Year- 2013 Thana -SIWAN CITY District- SIWAN

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1. Dr. Rakesh Kumar @ Rakesh Kumar @ Raju
2. Dr. Manish Kumar @ Manish Kumar
Both son of Dr. Radhasharan Singh, resident of Mohalla Doctor's Colony,
Gaushala Road, P.S.-Siwan Town, District- Siwan

.... Petitioner/s

Versus

1. The State of Bihar.
2. Narendra Kumar Son of Late Vishwanath Sinha resident of Mohalla
Gandhi Maidan, P.S.- Siwan Town, District- Siwan.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhilesh Kumar

For the Opposite Party/s : Mr. Dashrath Mehta(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 26-09-2016 Heard Sri Akhilesh Kumar, learned counsel for the
petitioners and learned Additional Public Prosecutor.

Two petitioners, have approached this court invoking
its inherent jurisdiction under Section 482 of the Code of
Criminal Procedure, 1973 with a prayer to quash an order dated
15.9.2015 passed by learned Chief Judicial Magistrate, Siwan
(hereinafter referred to as “Magistrate”) in Siwan Town P.S. Case
No. 149 of 2013 , G.R. No. 1457 of 2013. By the said order the
learned Magistrate after receipt of the police report has passed
order of cognizance for the offence under Section 436, 504, 34 of
the Indian Penal Code.

Learned counsel for the petitioners submits that in a civil dispute color of criminal offence has been given. By way of referring to certain annexures it was submitted that in the year 2006 itself the petitioners had filed a complaint case against the informant of the present case. He further submits that a case under Section 10 of the Bihar Building (Lease, Rent And Eviction) Control Act, 1982 was earlier filed in the year 2006-07 also in which order was passed in favour of the petitioners even the informant of the present case lost in appeal and thereafter false case was instituted. Learned counsel for the petitioners has argued that during investigation save and except the informant and his wife, no other witnesses have supported the prosecution case. However after going through the impugned order, I do not find any apparent error warranting interference.

The petition stands dismissed.

(Rakesh Kumar, J)

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