

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9889 of 2016

Arising Out of PS.Case No. -1 Year- 2015 Thana -SARAIYA District- MUZAFFARPUR

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1. Md. Nesar @ Md. Nisar S/o Md. Munir
2. Md. Nawaz S/o Md. Munir
3. Sabina Khatoon wife of Md. Nawaz
4. Afsana Khatoon Wife of Md. Nazim
5. Aisha Khatoon @ Aesa Khatoon W/o Md. Munir
All resident of Village- Ratwara Chandan P.S. Saraiya, District-
Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rojidan Khatoon W/o Md Muslim Resident of Village- Ratwara
Chandan P.S. Saraiya District Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jyotsna Rani Mishra

For the Opposite Party/s : Mr. Awdhesh Kumar Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 01-07-2016

The present application has been filed for quashing the order dated 07.11.2015 passed in Saraiya P.S. Case No. 01 of 2015 by learned Ist Additional Sessions Judge –cum- Special Judge, POCSO Act, Muzaffarpur whereby processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 341, 323, 354, 504, 509/34 of the Indian Penal Code and 8 and 18 of the Protection of Children from Sexual Offences Act.

It is submitted by learned counsel for the petitioners that in the background of litigated relationship with the

informant as petitioner no. 4 has also filed Complaint Case No. 1937 of 2014 against the husband of the informant, the present case has been lodged by the informant with malicious accusation.

At the time of taking cognizance the learned Magistrate only has to see that accusation, prima facie, constitutes offence. Hence, this Court is not inclined to interfere at this stage.

Accordingly, this application is disposed of with liberty to the petitioners to raise all the contentions at the time of framing of charge, if the charge has not been framed as yet.

(Dinesh Kumar Singh, J)

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