

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17369 of 2016

Arising Out of PS.Case No. -202 Year- 2015 Thana -AGAMKUAN District- PATNA

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1. Naresh Kumar @ Naresh Prasad aged about 58 years, S/o Late Ram Charan Das.

2. Vimal @ Vimal Prakash aged about 30 years.

3. Vijendra @ Dev Narain Prasad aged about 40 years,

2 & 3 are sons of Naresh Kumar @ Naresh Prasad

All are residents of flat no. 4H/27, Jai Prakash Nagar, in front of Amar Nath Temple, P.S. Agamkuan, Dist- Patna, A/P residing at Bahadurpur, Housing Colony Sector No 7, Block No.4, Flat No. 37, H.I.G. P.S.- Agam Kuan, Dist- Patna.

.... Petitioners

Versus

1. The State of Bihar.

2. Virendra Kumar S/o Late Jata Shanker Singh, resident of 4H/27, ground floor, Jaiprakash Nagar in front of Amar Nath Temple, Bahadurpur, Housing Colony, P.S. Agam Kuan, Dist- Patna.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Tilak Sao

For the Opposite Party/s : Mr. M.Rab (App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 30-09-2016 Heard Sri Ram Swaroop Prasad, learned counsel, who was assisted by Sri Tilak Sao, learned counsel for the petitioners and Mr. Matloob Rab, learned Addl. Public Prosecutor.

Three petitioners have approached this Court, invoking its inherent jurisdiction under Section 482 of the Code of Criminal Procedure, with a prayer to quash an order dated 01.10.2015 passed in Agam Kuan P.S. Case No.202/15. By the said order, the learned Addl. Chief Judicial Magistrate, Patna City after submission of chargesheet has taken cognizance of offence

under Section 341, 504, 506/34 of the Indian Penal Code.

Learned counsel for the petitioners assailing the order of cognizance submits that the petitioners have falsely been implicated in the present case since prior to lodging of the present case, from the petitioners side an F.I.R. vide Agam Kuan P.S. Case No.195 of 2015 was lodged on 05.05.2015 registered for the offence under Sections 341, 323, 448, 504, 354, 506 of the Indian Penal Code and 3(1)(x) of the Scheduled Castes and Scheduled Tribes(Prevention of Atrocities) Act. The F.I.R. was lodged by the daughter of petitioner no.1. On the aforesaid ground, he has made a prayer for quashing the impugned order.

Learned Addl. Public Prosecutor, opposing the prayer of the petitioners , submits that the police investigated the case and after investigation the case was found true and only thereafter, chargesheet was submitted. By way referring to the impugned order, learned Addl. Public Prosecutor submits that there is no error in the impugned order.

Besides hearing learned counsel for the parties, I have also perused the materials on record. On the ground that earlier the case was registered from the petitioners side, it would not be sufficient to at least quash the order in a case, in which the police after investigation submitted chargesheet. There is no

reason to interfere with the impugned order. The petition stands dismissed.

(Rakesh Kumar, J)

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