

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9791 of 2015

Arising Out of PS.Case No. -25 Year- 2014 Thana -INDUSTRIAL District- BHAGALPUR

1. Prayin Kumar, son of Shri Ram Charitra Rajak, Resident of Housing Board Colony, P.S.- Barari, District- Bhagalpur
2. Pankaj Kumar @ Pankaj Kumar Nirala, son of Shri Ram Charitra Rajak, Resident of Housing Board Colony, P.S.- Barari, District- Bhagalpur
.... Petitioner

Versus

The State of Bihar
.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Mahendra Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Anant Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT
Date: 06-05-2016

By way of the present application preferred under Section 482 of the Code of Criminal Procedure, the petitioners seek quashing of the order dated 08.01.2015 passed by the learned Chief Judicial Magistrate, Bhagalpur in Industrial P.S. Case No. 25 of 2014 by which cognizance has been taken for the offences punishable under Sections 406, 417, 420, 467, 468, 504, 506, 323, 385, 120-B of the Indian Penal Code and Section 138 of the Negotiable Instruments Act against the petitioners.

It has been contended by the learned counsel for the petitioners that the present application is an abuse of the process of court. There is an inordinate delay in institution of the case and the FIR in question, as a matter of fact, has been lodged in retaliation to

the earlier FIR lodged by the petitioners.

I have heard learned counsel for the petitioners and perused the allegations made in the FIR. The allegations made therein do attract ingredients of a cognizable offence. The matter got investigated by the police and on completion of investigation, a report under Section 173(2) of the Code of Criminal Procedure was filed in the court pursuant to which the impugned has been filed by the learned Magistrate.

The submission made by the learned counsel for the petitioners that the FIR has been instituted in retaliation to the earlier case filed by the petitioners is to be considered at an appropriate stage and not at the stage of cognizance.

At this stage, learned counsel for the petitioners seeks leave to withdraw the present application in order to raise all the points at the stage of framing of charge.

Leave is granted.

The application is disposed of as withdrawn.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	
CAV DATE	
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