

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24868 of 2016

Arising Out of PS.Case No. -317 Year- 2013 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

- =====
1. Atul Kumar Jhunhunwala, son of Late Bimal Kumar Jhunhunwala, Resident of 1134, Mahavir Apartment, Sector-29, P.S- Sector-20 Noida, District- Gautam Budh Nagar, Noida- 201301(U.P.)
 2. Rajesh Kumar Jhunhunwala, son of Late Purusottam Lalji Jhunhunwala, Resident of Mohalla-2-B-3, Vigyan Nagar, Kota, P.S. Vijay Nagar, District- Kota, Rajasthan.
 3. Alok Chamaria, son of Late Ram Gopal Chamaria, Resident of Hare Krishna Colony, P.S.-Sasaram, District-Rohtas, Bihar

.... Petitioner/s

Versus

1. The State of Bihar
2. Vijay Kumar Vishwakarma, Son of Late Nageshwar Prasad Vishwakarma, resident of Mohalla-Satya Narayan Mandir Road, Old Ward No.-2, New Ward No.-18, Naugachia Bazaar, P.S.-Naugachhiya, District- Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Malay Kumar Choudhary
For the Opposite Party/s : Mr. Uday Pratap Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-07-2016 The present application has been filed for quashing the order dated 28.04.2016 passed by learned Judicial Magistrate, 1st Class, Naugachhia in Complaint Case No. 317 of 2013 whereby the cognizance has been taken under Section 323, 341, 504 and 380 of the IPC.

Learned counsel for the petitioner submits that the accusation has been levelled in the background of pending title suit and series of other litigations. Earlier also the complaint was

filed with accusation under Section 417 of the IPC but the same has been quashed by a co-ordinate Bench of this Court vide Cr. Misc. No. 11101 of 2012.

At the stage of taking cognizance, the learned Magistrate has only to see whether prima facie case is made out or not.

Hence, at this stage, this Court is not inclined to interfere.

Accordingly, the application is disposed of with liberty to the petitioner to raise all the contentions at the time of framing of charge.

(Dinesh Kumar Singh, J)

Amrendra/-

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