

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53948 of 2013

Arising Out of PS.Case No. -668 Year- 2010 Thana -BUXAR COMPLAINT CASE District-
BUXAR

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1. Dinesh Singh son of Mohan Mahto
2. Rina Kumari wife of Dinesh Singh
Both residents of Village Meyar, Police Station Nursarai, District Nalanda, at present residing at Satendra Upadhya, Krishna Colony, behind Dy. S.P. Office, Police Station Buxar Town, District Buxar.

.... Petitioners

Versus

1. The State of Bihar.
2. Malti Kumari wife Arun Kumar, resident of village Anantpur, Police Station Chandi, District Nalanda, at present College Gate Chariterban, Bishwamitra Colony, Police Station Buxar Town, District Buxar.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Vipin Kumar Singh
For the Opposite Party/s : Mr. Abhay Kr. Roy (App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 26-07-2016 Heard learned counsel for the petitioners, Sri Abhay Kumar Roy, learned Addl. Public Prosecutor and Sri Bishwanath Singh, learned counsel, who has voluntarily appeared on behalf of the complainant.

Two 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 13.06.2013 passed by Sri D.Kumar, learned Judicial Magistrate, 1st Class, Buxar in Complaint Case no.668 (C) of 2010, Tr. No.1346 of 2013. By the said order, the learned Magistrate has

rejected the petition for discharge filed on behalf of the petitioners.

Learned counsel for the petitioners tried to persuade the Court that in a civil dispute, a colour of criminal offence has been given. He submits that save and except Rs.22,500/- paid through cheque, no other amount was paid by the complainant. On the aforesaid ground, he has prayed for quashing of the impugned order.

Learned counsel for the complainant, opposing the prayer of the petitioners, submits that petitioners are in the habit of committing such offences. Besides the present case, one another case is also pending against the petitioners, in which the petitioners have taken the amount from other person for the same purpose. Similarly, in the present case, the complainant was cheated by the petitioners.

Be that as it may, I have perused the impugned order. After going through the impugned order, the Court is satisfied that there is no ground for interference.

The petition stands dismissed.

(Rakesh Kumar, J)

NKS/-

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