

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 20006 of 2013

Arising Out of PS.Case No. -252 Year- 2009 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Dropadi Kumari W/o Late Sudhir Kumar
 2. Pintu Kumar @ Bikrant Kumar son of late Sudhir Kumar.
- Both resident of village – Baso Bagi, P.S. Barh, District – Patna.
..... Petitioners

Versus

1. The State of Bihar.
 2. Savita Devi W/O Bikrant Kumar @ Pintu R/O Village Gosaiganu,
P.S. Ghosbari, District Patna.
- Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Prem Chand Yadav
For the Opposite Party/s : Mr. Aditya Narayan Singh-I(App)
Mr. Krishna Prasad Singh, Sr.Adv.
Mrs. Meena Singh

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5. 15-03-2016 Heard Sri Prem Chand Yadav, learned counsel for
petitioners, learned Addl. Public Prosecutor as well as Sri
Krishna Prasad Singh, learned senior counsel, who was
assisted by Smt. Meena Singh, learned counsel for the
complainant/opposite party no. 2.

Two petitioners, invoking inherent jurisdiction of
this Court under Section 482 of the Code of Criminal
Procedure, have prayed for quashing of an order dated
26-02-2013 passed in Complaint Case No. 252(C) of 2009. By
the said order, the learned Sub-Divisional Judicial Magistrate,

Barh has taken cognizance of offence under Sections 465, 466, 468 and 471 of the Indian Penal Code.

Learned counsel for petitioners submits that since allegation in the complaint petition has been made that petitioner no. 1, being Headmistress of the school, had made interpolation in the record of the school, the complainant was not having any jurisdiction to file the complaint making such allegation. According to learned counsel for petitioners, it is hit by Section 197 of the Indian Penal Code, whereas, learned counsel for the complainant/opposite party no. 2, by way of referring to facts disclosed in the complaint petition, submits that the petitioner no. 1 had issued forged birth certificate in respect of petitioner no. 2 to get certain benefit in a case, which was filed from the side of complainant/opposite party no. 2.

Be that as it may, on perusal of the order of cognizance, the Court is satisfied that there is no apparent error warranting interference. So far as provision of Section 197(2) of the I.P.C. is concerned, in view of facts and circumstances, the Court is of the opinion that there is no application in the present case. Since the allegation against the petitioners is not only in relation to discharge of official duty,

but allegation is otherwise, I do not find any ground to interfere with the order.

The petition stands dismissed.

(Rakesh Kumar, J.)

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