

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24967 of 2013

Arising Out of PS.Case No. -14 Year- 2012 Thana -BELA District- SITAMARHI

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Md. Salim Ansari, son of Liyakat Ansari, resident of village- Manpaur
Islampur Tola, P.S. Bela, District- Sitamarhi

.... Petitioner

Versus

1. The State of Bihar
2. Most. Amna Khatoon, wife of Late Budhan Mansoori, resident of
village- Manpaur, Islampur Tola, P.S. Bela, District- Sitamarhi

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 29-03-2016 Heard learned counsel for the petitioner and learned
Addl. Public Prosecutor.

The petitioner, invoking inherent jurisdiction under
Section 482 of the Code of Criminal Procedure, has prayed for
quashing of an order dated 23.07.2012 passed by the learned Chief
Judicial Magistrate, Sitamarhi in Bela P.S. Case no.14/2012
corresponding to G.R. No.407/12. By the said order , the learned
Chief Judicial Magistrate after receipt of the chargesheet, in which
accused persons including the petitioner were forwarded as
accused for the offence under Section 504 of the Indian Penal
Code, has taken cognizance for the offence under Section 504 of
the Indian Penal Code.

Learned counsel for the petitioner has tried to persuade

the Court that the informant of the present case had initially filed a complaint petition, which was referred to the police under Section 156(3) of the Code of Criminal Procedure for its investigation and after investigation the police had not found the accusation, as made in the F.I.R. i.e. for the offence under Sections 341, 323, 354, 379/34 of the Indian Penal Code, true. However, the police submitted chargesheet under Section 504 of the Indian Penal Code. He submits that the informant/Opp.Party no.2 is habitual in filing cases against the petitioner. He submits that earlier also two cases were filed, in which final report was submitted. However, in the present case, a complaint was filed regarding the offence under Sections 341, 323, 354, 379/34 of the Indian Penal Code, during investigation offence under Section 504 of the Indian Penal Code was found true and, as such, final report was submitted and only thereafter the learned Magistrate has passed order of cognizance.

On going through the order of cognizance, I do not find any apparent error warranting interference. The petition stands dismissed.

(Rakesh Kumar, J)

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