

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24506 of 2013

Arising Out of PS.Case No. -136 Year- 2010 Thana -GAYA COMPLAINT CASE District- GAYA

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Pawan Kumar @ Kamlesh Kumar Pita- Sw. Jaynath Prasad, Gram-
Chaugaon, Post- Laund, Thana- Sirdalla, Zila- Nawada

.... Petitioner/s

Versus

1. Bihar Rajya
2. Jayram Singh Pita- Sw. Bisheshwar Singh, Niwasi Muhalla- Ramna
Sahar, Gaya, Dakghar- Mukhya Dakghar Gaya, Thana- Civil Lines, Zila-
Gaya

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Indradeo Prasad

For the Opposite Party/s : Mr. Uday Pratap Singh (App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5 20-06-2016 Heard Sri Indradeo Prasad, learned counsel for the
petitioner and Sri Uday Pratap, learned A.P.P.

The sole petitioner, invoking inherent jurisdiction of
this Court under section 482 of the Code of Criminal Procedure,
has prayed for quashing of an order dated 4.12.2010 passed in
Complaint Case No. 136 of 2010 by which the learned Magistrate
after conducting enquiry has passed the order of cognizance.

Learned counsel for the petitioner tried to persuade the
court that in a civil dispute colour of criminal offence was given
and as such, relying on judgments reported in **2013 (1) BLJ SC -
204 (Paramjeet Batra versus State of Uttarakhand & Ors.)**,
2007 (3) BLJ PHC – 333 (Vijay Kumar versus State of Bihar

& Another) submits that order of cognizance is liable to be set aside.

Besides hearing, I have also perused the material available on record particularly the compliant case. In the complaint petition there are two types of accusation. First part of the accusation relates mainly against one accused no. 1 Smt. Neelam Devi, who is not before this court. Second part of accusation is regarding assault against the petitioner and two others. On perusal of the impugned order, the court is satisfied that no illegality has been committed by the court below.

The petition stands dismissed.

(Rakesh Kumar, J)

Praful/-

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