

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42361 of 2013

Arising Out of PS.Case No. -389 Year- 2012 Thana -K. NAGAR District- PURNIA

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1. Panchu Mahto @ Panch Lal Mahto, aged about 68 years, son of late Babujan Mahto, resident of village Parora, P.S. K. Nagar, District Purnea
 2. Navin Kumar Mahto, aged 46 years, son of Panch Lal Mahto, resident of village Parora, P.S. K Nagar, District Purnea
 3. Sarthi Mahto, aged 43 years, son of Panch Lal Mahto, resident of village Parora, P.S. K Nagar, District Purnea
 4. Rajesh Mahto, aged about 40 years, son of Panch Lal Mahto, resident of village Parora, P.S. K Nagar, District Purnea .

.... Petitioners

Versus

1. The State of Bihar
2. S. Gulam Hussain, Adhyaks, Millia Educational Trust, Rambagh, Purnea

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar

For the Opposite Party/s : Mr. Parmeshwar Mehta (App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 28-03-2016 Heard learned counsel for the parties.

This application has been filed for quashing of the First Information Report of K. Nagar P.S.Case No. 389/2012 invoking power under section 482 of the Code of Criminal Procedure.

Learned counsel for the petitioners submits that there is civil dispute between the petitioners and the informant and institution of the criminal case against the petitioners is an abuse of the process of the Court. According to him, the criminal case has been instituted out of ulterior motive.

After having perused the First Information Report, it

appears that a cognizable offence is made out. Institution of the First Information Report cannot be said to be in violation of any law. Falsehood or otherwise of the allegation made in the F.I.R. cannot be gone into in a proceeding under section 482 of the Code of Criminal Procedure.

Considering the above, this application is dismissed.

It goes without saying that the petitioners shall not be precluded from taking such plea, as has been taken in the present application, before the court below at an appropriate stage and it is made clear that any observation made herein shall not prejudice the case of the petitioners.

(Chakradhari Sharan Singh, J)

Surendra/-

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