

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16732 of 2014

Arising Out of PS.Case No. -1359 Year- 2011 Thana -DARBHANGA COMPLAINT CASE
District- DARBHANGA

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1. Prashant Kumar Choudhary
2. Nishant Kumar Choudhary Both are sons of Sharda Nand Choudhary,
Resident of Village-Manora, P.s.-Bahadurpur, District-Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar
2. Ramanand Choudhary Son of Late Sobha Kant Choudhary Resident of
Village-Manora, P.s.-Bahadurpur, District-Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Kumar Sinha

For the Opposite Party/s : Mr. Yogendra Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 11-07-2017 This application under Section 482 Cr.P.C. has been filed for quashing the order dated 07.03.2013 passed by the learned Judicial Magistrate, 1st Class, Darbhanga in Complaint Case no. 1359 C of 2011 by which the learned Magistrate has, after enquiry, found prima facie case for the offences under Sections 323 and 504 of the Indian Penal Code against the petitioners.

It has been submitted on behalf of the petitioners that the complainant has lodged this case on the instigation of ex-Mukhia to grab the land. The complainant has also filed Title Suit No. 24 of 2011 against the Electrical Engineer including these petitioners, which is still pending in the Court of learned Munsif-Ist, Darbhanga. It has further been submitted that petitioner no.1 is a practicing advocate and petitioner no.2 is the Deputy Commandant in C.R.P.F., who is at present posted at Nanded



(Mahaarastra).

Learned counsel for opposite party no.2 has appeared and submitted that the grounds taken by the petitioners in this petition may be taken at the time of framing of charge.

From the impugned order it appears that the learned Magistrate after recording S.A. of complainant and the statements of the witnesses has found, prima facie, case against the petitioners on the basis of material available on the record.

Therefore, this court does not find any illegality in the impugned order dated 07.03.2013 passed by the learned Judicial Magistrate, 1st Class, Darbhana in Complaint Case No. 1359 C of 2011.

This application is, accordingly, dismissed.

It is needless to say that Sections 323 IPC and 504 IPC are compoundable. The parties, if so advised, may file compromise petition, which shall be considered by the court below in accordance with law.

(Sanjay Priya, J)

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