

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7691 of 2015

Arising Out of PS.Case No. -22 Year- 2014 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

- =====
1. Dinesh Lal Son of Late Kapildeo Lal
 2. Suman Devi wife of Dinesh Lal Both residents of Mohalla - New Area,
Station Road, Baudhi House Gali, P.S. Dehri, District - Rohtas

.... Petitioners

Versus

1. The State of Bihar
2. Sonu Kumar Son of Sri Shyam Sundar Lal resident of Mohalla -
Rajputana, Kali Mandir, in the House of Late Ashok Lal, P.S. Dehri,
District - Rohtas

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Sada Nand Ray
For the Opposite Party : Mr. Gajendra Pd.Yadav(App)

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

2 05-12-2017 Heard learned Counsel for the petitioners as well as the
learned Counsel for the State.

The petitioners seek quashing of the cognizance order dated 22.10.2014 passed by the Judicial Magistrate, 1st Class, Dehri, Rohtas in Complaint Case No. 22 of 2014, thereby taking cognizance of the offence under Sections 323, 379 read with Section 34 of the IPC.

The allegation in the complaint is that the accused persons are maternal uncle and aunt of the complainant. While the complainant was going to board the train to go to Patna to purchase some articles for the shop, on the way the accused persons intercepted, abused and assaulted him with fists and legs and also took out money kept in his



pocket. It is alleged that since 2011 father of the accused was living along with the complainant therefore they nourished enmity against the complainant.

Learned Counsel for the petitioners submits that in fact the complainant has got land of petitioner's father executed in his favour and for that he has filed a title suit therefore this false allegation has been levelled moreover the petitioners have also filed a complaint case against the present complainant.

However, there appears some litigation going on between the two sides. So in this circumstances, it is only to be seen whether the allegations levelled in the complaint do disclose some offence or not. The allegations levelled in the complaint do disclose offence of assault, as enmity cuts both ways so it may be the cause of false implication or becomes a reason for committing the offence. So the prosecution cannot be stifled at this stage considering these grounds.

So, the application stands dismissed.

(Arun Kumar, J.)

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