

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21972 of 2014

- =====
1. Yadunandan Prasad Yadav S/O Jamun Prasad Yadav
 2. Kalpana Devi W/O Yadunanadan Prasad Verma Both R/O Raghubir Nagar,
Ward No.-30, P.S.-Begusarai Town, District-Begusarai.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Nita Bharati W/O Manoj Kumar @ Munna, D/O Vishundeo Paswan R/O
Baghi, Ward No.-25, P.S.-Moffasil, District-Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. Kumar Binode Bariar, Advocate
For the Opposite Party/s : Mr. Dhananjay Kumar, Advocate
For the State : Mr. Syed Eheteshanuddin, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 16-08-2017

The instant application has been filed for quashing the order dated 19.06.2013 passed by the Judicial Magistrate 1st Class, Begusarai taking cognizance of the offence under Section 498A IPC against the accused who are petitioners before this Court.

On the last occasion when the matter was listed on 02.08.2017 the developments subsequent to filing of the instant case were brought to the notice of this Court. It was submitted by the counsel for the Opposite Party No. 2 that the charges have already been framed in the case.



It was submitted by the counsel for the petitioners that the matter may be adjourned enabling him to seek instructions whether there is any scope for amicable resolution of the dispute.

In view of the aforesaid, when the matter has been listed today, counsel for the petitioners submits that no amicable resolution of the dispute could be arrived at. On the other hand, counsel for the Opposite Party no. 2 reiterates his objection regarding maintainability of the instant petition under Section 482 Cr.P.C., in view of the charges having already been framed by the court below.

Counsel for the petitioners has produced the judgment of the High Court of Chhatisgarh in case of **V. Narayanaswamy vs. Ajay Chandrakar** (passed on 23.03.2011 in Cr. Misc. Petition No. 98 of 2011).

I have gone through the same and it appears that the same is not relevant to the instant issue. The said judgment is relied only to submit that with the order taking cognizance the criminal law has set in motion, which is not the issue here.

Counsel for the Opposite Party no. 2 submits that in view of the pre-charge evidence and framing of charge, the stage has now changed. The order framing charge and the subsequent developments have not been placed on record by the petitioners.



In view of the aforesaid, proceedings under Section 482 Cr.P.C., cannot proceed any further. The application is accordingly, dismissed.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	18/08/2017
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