

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51047 of 2013

Arising Out of PS.Case No. -139 Year- 2009 Thana -WEST CHAMPARAN COMPLAINT District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Jai Prakash Gupta @ Jai Prakash Jaiswal S/O Satyanarain Gupta Resident Of Village- Narainapur Ghat, Police Station- Bagaha, District- West Champaran.
 2. Chandan Kumar @ Chandan Gupta S/O Jaiprakash Gupta @ Jai Prakash Jaishwal Resident Of Village- Narainapur Ghat, Police Station- Bagaha, District- West Champaran.
 3. Rajiv Jaiswal @ Raju Gupta S/O Jai Prakash Gupta @ Jai Prakash Jaiswal Resident Of Village- Narainapur Ghat, Police Station- Bagaha, District- West Champaran.
 4. Deepak Kumar @ Deepak Gupta S/O Laljeem Prasad Resident Of Village- Narainapur Ghat, Police Station- Bagaha, District- West Champaran.
 5. Lal Jee Prasad S/O Late Babulal Sah Resident Of Village- Narainapur Ghat, Police Station- Bagaha, District- West Champaran.
 6. Kundan Gupta S/O Jai Prakash Jaiswal Resident Of Village- Narainapur Ghat, Police Station- Bagaha, District- West Champaran.

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anand Kishore Choudhary

For the Opposite Party/s : Mr. Mayanand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
C.A.V. JUDGMENT

Date: 03-05-2017

Heard learned counsel for the parties.

Petitioner, by means of this application under section
482 of the Code of Criminal Procedure, has invoked the inherent



jurisdiction of this Court with prayer to quash the order dated 10.10.2012, passed by Shri P. Krisna, Judicial Magistrate, 1st Class, Bagaha, West Champaran, in Tr. No. 1146 of 2013 arising out of Protest-cum-Complaint Case No. C-139 of 2009, whereby cognizance has been taken against the petitioner for the offences punishable under section 380 of the Indian Penal Code.

The contention of the learned counsel for the petitioner is that no offence against the petitioner is disclosed and the present prosecution has been instituted with mala fide intention for the purposes of harassment. Learned counsel submits that police has submitted final form terming it as civil dispute between the parties. Learned counsel has pointed towards various documents in support of his contentions.

Having heard learned counsel for the parties and keeping in view the facts and circumstances of the case, there appears no force in the arguments advanced by learned counsel for the petitioner. The submissions made by the learned counsel for the petitioner calls for adjudication on pure questions of fact which may be adequately adjudicated by the trial Court. I do not find any illegality amounting to abuse of process of Court for interference in extraordinary jurisdiction under section 482 Cr.P.C.

This application is, accordingly, dismissed. However,



the petitioner would be at liberty to raise his defence in the trial Court at appropriate stage.

(Arvind Srivastava, J)

Manish/-

AFR/NAFR	NAFR
CAV DATE	02.02.2017
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