

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53634 of 2013

Arising Out of PS.Case No. -2123 Year- 2011 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

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1. Sanjay Kumar Pandey Son Of Ramakant Pandey Resident Of Village-
Rampurwa Patkhauli, P.S.- Yogapatti, District- West Champaran
2. Ramakant Pandey Son Of Late Chandan Pandey Resident Of Village-
Rampurwa Patkhauli, P.S.- Yogapatti, District- West Champaran

.... Petitioner/s

Versus

1. The State Of Bihar
2. Naresh Mahto S/O Jayram Mahto R/O- Chargahan Tola, Badri Patti,
P.S.- Chanpatia (Sirasiya Op), Dist- West Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh
For the Opposite Party/s : Mr. Avinash Shekhar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 02-02-2017 Heard the parties.

Petitioners seek quashing of the order dated 04.12.2012,
passed by Sri. P.K. Shukla, Judicial Magistrate, Bettiah in
Complaint Case NO. 2123 (C)/2011, whereby and whereunder he
has taken cognizance against the petitioners under Sections 323,
504 and 417 of the Indian Penal Code.

It appears that a complaint petition was filed by opposite
party no. 2 for the offences punishable under Sections 323, 504
and 417 of the Indian Penal Code against the petitioners and after
enquiry processes were issued against the petitioners.

It has been submitted on behalf of the petitioners that this



is out and out a case of civil dispute and petitioner no.1 is a scientist posted at Indira Gandhi Centre for Atomic Research at Kalpakkam, Tamilnadu and the learned magistrate without appreciating the aforesaid facts, ordered for issuance of processes.

However, on a query of the court with regard to stage of trial, learned counsel for the petitioner has submitted that the case has already proceeded to evidence before charge.

In such view of the matter, this application is dismissed with liberty to the petitioner to raise all these points at the time of framing of charge and the learned court below after considering all these facts shall dispose of the application of the petitioners by a reasoned and speaking order.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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