

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41224 of 2013

An application under section 482 of the Code of Criminal Procedure, 1973

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1. Sudarshan Yadav
 2. Binay Yadav, both sons of Late Prabhu Dayal Yadav, resident of Sonu Tola, Kachharia, P.O.- Moul Tola, P.S.- Pirpainti, District- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar
 2. Shiv Pujan Yadav
 3. Ramnath Yadav, both son os Late Jhagru Yadav
 4. Kamleshwari Yadav son of Late Ram Keshar Yadav
 5. Sachidanand Yadav son of Late Ram Keshar Yadav, all resident of Sonu Tola
- Opposite Party/s
- =====

Appearance :

For the Petitioner/s : Mr. Vivekanand Vivek
For the Opposite Party/s : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

C.A.V. JUDGMENT

Date: 20-06-2017

Heard learned counsel for the parties.

Petitioners, by means of this application under section 482 of the Code of Criminal Procedure, have invoked the inherent jurisdiction of this Court with prayer to quash the order dated 22.07.2013, passed by Sessions Judge, Bhagalpur in Cr. Revision No. 188 of 2013, whereby the Court below has dismissed the revision and thereby approved the dropping of proceedings initiated under section 145 Cr. P.C.

Learned counsel for the petitioners submits that that opposite parties had earlier filed Cr. Misc. No. 28771 of 2009 for quashing of the order dated 27.02.2009 whereby proceeding under



section 145 Cr.P.C. was initiated. The aforesaid case was disposed of with observation that opposite parties-petitioners to file appropriate petition before the Court below and the Court below is required to examine the same and pass appropriate order in accordance with law. It is further submitted that opposite parties herein did not file any petition but the learned Magistrate without considering the same dropped the proceeding.

Learned counsel appearing for the State opposes the application and submits that the learned Magistrate has rightly dropped the proceedings considering the pendency of title suit. The order passed by the revisional Court is a reasoned one, and as such, the same cannot be faulted.

From perusal of the material on record and looking into the facts of the case at this stage, it appears that the submission made on behalf of the petitioners has no force. The Magistrate, while passing the order dropping the proceeding under section 145 Cr.P.C. has taken into consideration the fact that Title Suit No. 121 of 1988, filed by the sisters of petitioners herein is pending between the parties. Earlier also Title Suit No. 4 of 1983 was filed by the mother of petitioners herein, which was dismissed. Further, the provisions contained in section 145 (5) Cr.P.C. empowers the Magistrate to drop the proceeding, if he is satisfied that such thing is required to be



done. The order passed by the Magistrate is a reasoned one. The revisional Court has affirmed the order of the Magistrate. As such, the order passed by the revisional Court as well as by the Magistrate call for no interference by this Court under its extra ordinary jurisdiction under section 482 of the Code of Criminal Procedure.

The application accordingly stands dismissed.

(Arvind Srivastava, J)

Manish/-

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