

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.48693 of 2013**

Arising Out of PS.Case No. -90 Year- 2010 Thana -MANER District- PATNA

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1. Braj Mohan Mishra S/O Shri Dharmnath Mishra Resident Of Village- Chittanava, P.S.- Maner, District- Patna
  2. Madhubala Mishra Wife Of Braj Mohan Mishra Resident Of Village- Chittanava, P.S.- Maner, District- Patna
  3. Vivek Mishra @ Vivek Kumar Son Of Braj Mohan Mishra Resident Of Village- Chittanava, P.S.- Maner, District- Patna

.... .... Petitioner/s

Versus

1. The State Of Bihar
2. Vishwanath Mishra S/O Late Triloki Nath Mishra Resident Of Village- Chittanava, P.S.- Maner, District- Patna

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ujjwal Kumar Sinha, Adv  
For the Opposite Party/s : Mr. Ashok Kr Singh 1, APP

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**CORAM: HONOURABLE MR. JUSTICE S. KUMAR**

ORAL JUDGMENT

**Date: 12-07-2017**

Heard learned counsel for the parties.

The present quashing application under Section 482 of the Cr.P.C has been filed for quashing the order dated 10.07.2013 passed by A.D.J. VI, Danapur in Criminal Revision No. 395 of 2011, whereby and whereunder, the revisional court has affirmed the order dated 04.04.2011 passed by S.D.J.M., Danapur in Maner P.S. Case No. 90 of 2010 and dismissed the revision petition filed by the



petitioners.

The Complainant-Opposite Party had filed the complaint case dated 22.03.2010, which was registered as Complaint Case No. 268 (C) of 2010 and the same was referred to the police under Section 156(3) of the Cr.P.C, giving rise to Maner P.S. Case No. 90 of 2010 dated 05.04.2010.

The petitioners and opposite party are close relatives and there has been case and counter case. The petitioners had also filed a written complaint before the police giving rise to Maner P.S. Case No. 70 of 2010 dated 14.03.2010 registered under Sections 341, 504, 323, 307, 379 read with section 34 of the Indian Penal Code and after investigation the police submitted the chargesheet on 12.09.2010 under Sections 341, 323, 504, 325, 307/34 of the Indian Penal Code against the Opposite Party No. 2 and his two sons. As retaliation and counter blast of the same, after eight days of filing of the case by the petitioners, the Opposite Party No. 2 filed a complaint dated 22.03.2010 before the learned A.C.J.M., Danapur for the alleged offences which was registered as Complaint Case No. 268(C) of 2010 and the same was referred to police under Section 156(3) of the Cr.P.C giving rise to Maner P.S. Case No. 90 of 2010 dated 05.04.2010 for the offences punishable under Sections 147, 148, 149, 504, 323, 448, 379/34 of the Indian Penal Code.



After investigation in Maner P.S. Case No. 90 of 2010, police submitted chargesheet on 31.05.2010 under Sections 323, 504 read with 34 of the Indian Penal Code against the petitioners only, and the case was not found true against the rest of the named accused.

After submission of the chargesheet, the learned A.C.J.M., Danapur vide order dated 04.04.2011, took cognizance against the petitioners under Section 323, 379, 504 read with 34 of the Indian Penal Code, although police has filed chargesheet under sections 323, 504/34 of the Indian Penal Code.

On the basis of the Case Diary, police papers and materials available on record, A.C.J.M. Danapur took cognizance against the petitioners under Sections 323, 504, 379 read with section 34 of the Indian Penal Code. The petitioners preferred Criminal Revision No. 395 of 2011. The revisional court also discussed and examined the points raised by the petitioners in detail and after going through the case diary, police papers and materials available on record, affirmed the order dated 04.04.2011 of taking cognizance under Sections 323, 504, 379/34 of the Indian Penal Code and dismissed the revision petition vide order dated 10.07.2013.

After hearing the parties and going through the order passed by the learned courts below, I do not find any error, illegality



or infirmity in the same, requiring interference by this Court, as such the present petition filed under Section 482 of the Cr.P.C is, dismissed.

(S. Kumar, J)

Ranjan/-

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