

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41827 of 2013

Arising Out of PS.Case No. -1009 Year- 2012 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Prem Kumar @ Prem Lal Jaiswal, Son of Raj Kumar Jaiswal, Resident of Village - Sarthua, P.S.- Shahjahapur, District- Patna
 2. Raj Kumar Jaiswal Son Of Late Babu Lal Jaiswal Resident Of Village - Sarthua, P.S.- Shahjahapur, District- Patna
 3. Savitri Devi, Wife of Raj Kumar Jaiswal Resident of Village - Sarthua, P.S.- Shahjahapur, District- Patna
 4. Sangita Devi Daughter of Raj Kumar Jaiswal Resident of Village - Sarthua, P.S.- Shahjahapur, District- Patna

.... Petitioners

Versus

1. The State of Bihar
2. Mahendra Pal, Son of Late Ram Briksh Pal Resident of Village - Sarthua, P.S.- Shahjahapur, District- Patna

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh
For the Opposite Party/s : Mr. Dr.Kr.Uday Pratap (App)

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

5 28-07-2017

Heard.

This application has been filed under Section 482 of the Code of Criminal Procedure to quash the order dated 29.05.2013 passed in Complaint Case No. C.A. 1009 of 2012, whereunder the learned Addl. Chief Judicial Magistrate, Patna City, Patna summoned the accused-petitioners, on enquiry, finding prima facie case for the offence under Sections 323, 379 and 504 of the Indian Penal Code.

Learned counsel for the petitioners submits that on the basis Compliant Case No. 772 of 2015 of compliant-O.P. No. 2 as sent under Section 156 Cr.P.C. for investigation by the Addl. Chief Judicial Magistrate, Patna City, Shahjahanpur P.S. Case No. 27 of 2012 was



instituted on 03.08.2012, under Sections 147, 148, 149, 323, 452 and 380 of the Indian Penal Code against the petitioners. On investigation, the Police submitted the Final Form, but on the protest petition filed by complainant-O.P. No.2, On enquiry, the petitioners have illegally been summoned through the impugned order under Section 204 Cr.P.C. for the offence under Sections 323, 379 and 504 of the Indian Penal Code.

On going through the impugned order, I do not find any illegality amounting to abuse of process of Court for interference in extraordinary jurisdiction under Section 482 Cr.P.C. Accordingly, this application is dismissed. However, the petitioner would be at liberty to raise his points as raised herein before the trial court at appropriate stage.

(Rajendra Kumar Mishra, J)

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