

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30668 of 2014

Arising Out of PS.Case No. -208 Year- 2013
Thana -COMPLAINT CASE District- SUPAUL

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1. Dinesh Paswan S/o Mahavir Paswan
2. Niranjan Paswan S/o Bhola Paswan
3. Bhola Paswan S/o Late Sibhi Paswan
4. Mahendra Paswan S/o Late Uttam Lal Paswan
5. Rajendra Paswan S/o Bhola Paswan All resident of village - Gamharia,
P.S. Raghapur, Distt. – Supaul

.... Petitioners

Versus

1. The State of Bihar
2. Ratan Paswan S/o Chandradeo Paswan resident of village - Gamharia,
P.S. Raghapur, Distt. – Supaul

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Onkar Kumar, Advocate

For the Opposite Parties : Mr. C.Jawahar(App)

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 11-10-2017 Counsel for the petitioners and the other side are present.

Petitioners pray for quashing the order dated 21.11.2013, passed by the Judicial Magistrate 1st Class, Birpur, Supaul in Complaint case no. 208(c) of 2013 dated 12.6.2013 by which cognizance has been taken for offence under sections 341, 323, 379, 504/34 of the Indian Penal Code.

Counsel for the petitioners submits that the allegation of assault and snatching, made against the accused persons in the case, is in fact counter blast to the earlier case bearing Complaint case no. 196C of 2013 dated 20.5.2013, which has been lodged by the petitioners. A copy of the complaint case has been



brought on record by way of annexure 2 to the quashing petition. From perusal of the same, it appears that the said case is in respect of occurrence of a different date, whereas the instant complaint has been filed with respect to the allegation of the different date. More so, there are some discrepancies with respect to the allegation made in the complaint and the statement of the complainant made on solemn affirmation.

I have perused the complaint and gone through the materials on record.

Admittedly, the court below has taken cognizance of the offence vide order dated 21.11.2013 on a complaint which does not bear the signature of the complainant or his advocate. Counsel for the petitioners has not pointed out any provision in the Code of Criminal Procedure which provides a format for lodging of the complaint. By now, it is well settled that a complaint can also be lodged orally. The issue regarding discrepancies with respect to the allegation made in the complaint and the statement of the complainant made on solemn affirmation can be raised by the petitioners at the appropriate stage before the court below. This Court, while exercising its jurisdiction under section 482 of the Code of Criminal Procedure will not examine the sufficiency or insufficiency of the evidence



available in the complaint.

The Criminal Miscellaneous application is, accordingly, dismissed.

If the petitioners raise the aforesaid issues at the appropriate stage before the trial court, the same may be considered by it in accordance with law without being prejudiced by this order.

(Madhuresh Prasad, J)

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