

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27095 of 2014

Arising Out of PS.Case No. -2218 Year- 2012 Thana -DARBHANGA COMPLAINT CASE
District- DARBHANGA

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1. Ataur Rahman
 2. Javed Majid Both S/o Late Abdul Majid Resident of Mohalla Sia Shamsul Hoda Road, P.S. Karaya, District South 24 Pragana, Kolkatta-700017.
 3. Saira Khatoon W/o Late Abdul Majid
 4. Rafat Jahan S/o Late Abdul Majid
 5. Zeelani @ Zeo S/o Late Abdul Majid Petitioner No. 3 to 5 Resident of Village Ramkhetari, P.S. Aurai, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Md. Taslim S/o Late Nawab Ali Resident of Mohalla Jamalpura, P.S. Laheria Sarai, District Darbhanga.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Arun Kumar, Advocate.
For the State : Mr. R. B. Roy Raman, APP.
For Opposite Party No.2 : Mr. Abdul Wadood, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL JUDGMENT

Date: 05-07-2017

Heard learned counsel for the petitioners, learned counsel for the opposite party no.2 as well as learned APP for the State.

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 17.04.2013 passed by learned Judicial Magistrate 1st Class, Darbhanga in Complaint Case No. 2218 of 2012 whereby the learned Judicial Magistrate ordered to issue notice against the petitioners



finding prima facie case under Section 380 of the Indian Penal Code.

The complaint case has been filed under Sections 147, 447, 448, 462/34 and 380 of the Indian Penal Code by the opposite party no.2 against the petitioners with the allegation that on the fateful night, the petitioners had approached the opposite party no.2 and requested shelter in his house in the night. The opposite party no.2 gave them shelter in the night. In the following morning, the petitioners were found absconding taking away cash and ornaments of the informant after breaking the almirah.

It is submitted by learned counsel for the petitioners that petitioner nos. 1 and 2 happen to be practicing advocate. Wife of petitioner no.1, namely, Zeenat Pravin had filed a complaint case against him under Section 498A of the Indian Penal Code and in that case petitioner no.1 and others were acquitted by learned S.D.J.M, Hazaribagh. Thereafter, petitioner no.1 filed a case against his wife in the court at Kolkata and in order to mount pressure upon him, father of Zeenat Pravin has got this false and frivolous case filed against the petitioners through his relative.

On the other hand, learned counsel for the opposite party no.2 has vehemently opposed the aforesaid submission of the learned counsel for the petitioners.

From the perusal of the records, it appears that in



buttress of his case, the complainant has examined himself on S.A. and his three witnesses who have supported the complaint case. The learned lower court after considering the material available on record appears to have taken cognizance under Section 380 of the Indian Penal Code finding prima facie case against the petitioners. Though the learned counsel for the petitioners have submitted that the father of the wife of petitioner no.1 has got this complaint case filed through his relative, but he failed to disclose about his relation with the complainant.

In the facts and circumstances of the case, I do not find any illegality in the impugned order and any substance in the petition. Accordingly, this quashing petition is dismissed.

(Prakash Chandra Jaiswal, J)

Mishra/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	
Transmission Date	

