

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40135 of 2014

Arising Out of PS.Case No. -519 Year- 2012 Thana -NAWADA District- NAWADA

- =====
1. Mohan Sao, Son of Late Chamari Sao, resident of Village- Sikandra, P.S.Mufassil, District- Nawada
 2. Bharat Bhushan @ Bhart Bhushan, Son of Late Hari Lal, resident of Mohalla Line Par Mirzapur, P.S. Nawada, District Nawada

.... Petitioners

Versus

1. The State of Bihar
2. Chinta Devi, Wife of Late Ramjee Choudhary, resident of Village Padmabat, P.S.-Sikandara, District-Jamui

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad

For the Opposite Party/s : Mr. Raj Kishor Singh(App)

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 28-08-2017 Despite repeated calls, no one appears on behalf of the petitioners.

Counsel for the State is present.

The instant application has been filed by the petitioners for quashing of the F.I.R. of Nawada P.S. Case No. 519 of 2012.

From perusal of the order dated 22.09.2014, it appears that the question of maintainability of the case was to be considered at the stage of admission.

The stamp reporter pointed out the defect that the petition under Article 226 and 227 of the Constitution is maintainable and in such a situation, not the petition under Section



482 of the Cr.P.C.

In view of the fact that the police case was registered on 05.10.2012 and by efflux of time, the present application has become infructuous. This Court has reason to believe that after investigation either the police has submitted charge-sheet or final form, and as such passing any order in the instant case is uncalled for, as the F.I.R. itself was lodged on 05.10.2012 and we are in August, 2017, instead of keeping this matter pending, the same is disposed of with liberty to the petitioners that in case the petitioners are aggrieved by any order passed in the instant case after completion of investigation, they will file appropriate application in accordance with law.

With the aforesaid observation, this application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

U		T	
---	--	---	--

