

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2783 of 2015

Arising Out of PS.Case No. -33 Year- 2013 Thana -PATNA COMPLAINT CASE District- PATNA
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1. Paramjeet Singh son of Sardar Singh, resident of House No. B- 60
Second Floor, Motinagar, P.S. Motinager, New Delhi
2. Jasmeet Singh son of Manjeet Singh resident of Onkar Regrigerator,
Near Bekery Shop, P.S. Motinager, New Delhi

.... Petitioner/s

Versus

1. The State of Bihar
2. Bhupinder Singh son of Surendra Singh resident of Mohalla, New
Colony, Kachahri Bagh Road Chapra, P.S. Town Thana Chapra District
Saran, Present residing at Singh Battery Shop No. 2 K.C. Tower,
Kankarbagh Main Road, P.S. Kankarbagh, District- Patna- 20

.... Opposite Party/s
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Appearance:

For the Petitioner/s : Mr. Prabhakar Singh, Advocate.

For the Opposite Party/s : Mr. U.L.Verma, APP.
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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

2 18-03-2017 The petitioners preferred this petition for quashing

the order dated 17.10.2014 by which the prima facie case under

Section 323, 504, 379 and 34 of the Indian Penal Code is made

out against the petitioners in complaint case no. 33(C) of 2013.

Learned counsel for the petitioners submits that

earlier the informant filed complaint case no. 357(C) of 2012 on

the basis of which Kankarbagh P.S. Case No. 79 of 2012 was

registered under Section 392 and other sections of the Indian Penal

Code.



The police after investigation submitted the final form finding the case false against the complainant and recommended for initiating proceeding under Section 182 and 211 of the Indian Penal Code, but the complainant filed a protest petition after acceptance of final form. The case proceeded on the complaint. Complainant was examined and he examined his witnesses. Learned Judicial Magistrate found prima facie case under sections 323, 504, 379 and 34 of the Indian Penal Code on 17.10.2014.

Learned counsel for the petitioners submits that three persons are accused in the case, but the learned Judicial Magistrate did not find sufficient material against Jayneet Singh and on the same materials, prima facie case under sections 323, 504, 379 and 34 was found against the petitioners, namely, Paramjeet Singh and Jasmeet Singh and the story as disclosed in the complaint petition is full of contradictions and on account of some rivalry, this complaint case was filed.

But I find that the learned Judicial Magistrate after enquiry passed an order under Section 204 of the Code of Criminal Procedure. Learned Judicial Magistrate has found out the prima facie case on the basis of evidence collected during the course of enquiry.



Therefore, I do not find any illegality in the order.

Accordingly, this quashing petition is dismissed.

(Prabhat Kumar Jha, J)

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