

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.13733 of 2014**

Arising Out of PS.Case No. -1193 Year- 2010 Thana -PURNIA COMPLAINT CASE District-  
PURNIA

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1. Indu Devi W/o Late Ramchandra Mehta  
2. Prabhu Mehta Son of Late Ramchandra Mehta  
3. Akhilesh Mehta @ Akhilesh Kr. Mehta Son of Late Ramchandra Mehta  
all Resident of Village- Masuriya, P.S- Sarsi, District- Purnia.

.... .... Petitioner/s

Versus

1. The State of Bihar  
2. Amol Singh Son of Kank Lal Singh Resident of Village Masuriya, P.S- Sarsi,  
District- Purnia.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Vikram Singh  
For the State : Mr. Humayu Ahmad Khan, APP

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**CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR**

**ORAL JUDGMENT**

**Date: 25-07-2017**

This application under Section 482 of the Cr.P.C. has been filed to quash the order dated 08.07.2011 passed by the Judicial Magistrate, 1<sup>st</sup> Class, Purnia in Complaint Case no. 1193 of 2010 whereunder the Magistrate finding prima facie case for the offence under Sections 323/34 of the IPC summoned the petitioners to face the trial.

2. Heard Mr. Vikram Singh, the learned counsel for the petitioners and Mr. Humayu Ahmad Khan, APP for the State and perused the records.

3. The O.P. no. 2 filed a complaint case on the file of CJM, Purnea alleging inter alia that on 07.04.2010, all the petitioners entered into his shop and house and started assaulting him. The wife of the complainant and daughter came for his rescue to whereupon



they were also assaulted. They dragged the wife of the complainant and snatched gold ornaments from her possession. They ransacked his shop and looted away the articles.

4. It has been submitted that the Magistrate has disbelieved the allegation of taking ornaments and other articles from the possession of the female members of the complainant and his shop and so the court below ought to have disbelieved the allegation of assault also. The learned Magistrate has passed the impugned order in mechanical manner and so the same is fit to be quashed. The learned APP, on the other hand, justified the impugned order taking cognizance under Section 323/34 of the IPC.

5. On perusal of complaint petition and impugned order, I find that the allegation of assault is specific against all the petitioners. The complainant on S.A. and other witnesses at the time of inquiry have supported the allegation of assault. The Magistrate has rightly taken cognizance against them. There appears no illegality requiring any interference in the impugned order.

6. This Cr. Misc. application is, accordingly, dismissed.

**(Sanjay Kumar, J)**

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