

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21327 of 2014

Arising Out of PS.Case No. -298 Year- 2008 Thana -BETTIAH CITY District-
WESTCHAMPARAN(BETTIAH)

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1. Most. Singari Devi Wife of Late Ramanand Mishra Resident of Village-
Chargahan Misir Tola, P.S- Bettiah Mufassil, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Krishna Mohan Mishra Son of Ramakant Mishra
3. Kanahaya Patel Son of Late Ramjee Patel
4. Ashok Patel Son of Ganesh Patel all are resident of village- Chargahan Misir
Tola, P.S- Bettiah Mufassil, Distrit- West Champaran
5. Sweta Rani Wife of Ratnesh Kumar resident of Anand Nagar, P.S- Bettiah town,
District- West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pathak Dhananjay Kumar, Adv
For the Opposite Party/s : Mr. Dr. Indiwari Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date: 12-07-2017

Heard learned counsel for the parties.

The present quashing application under Section 482
of the Cr.P.C has been filed for quashing the order dated 21.12.2013
passed by the Adhoc Additional District & Sessions Judge-III, Bettiah
in Criminal Revision No. 19 of 2011, whereby and whereunder, the
revisional court has affirmed the order taking cognizance dated



04.12.2010, passed by the Judicial Magistrate in Trial No. 3514 of 2010 arising out of Bettiah Town P.S. Case No. 298 of 2008 against one Krishna Mishra under Sections 465, 467, 471 and 419 of the Indian Penal Code and the complaint against other accused has been dismissed.

The complainant-petitioner had filed a complaint case before the C.J.M., Bettiah bearing Complaint Case No. 1327(C) of 2008, which was referred under Section 156(3) of the Cr.P.C for registration of police case and the same was registered as Bettiah Town P.S. Case No. 298 of 2008 under Sections 465, 467, 468, 420, 205 and 471 of the Indian Penal Code. The police after investigation submitted final form showing the case as civil dispute and the petitioner filed a protest petition, which was registered as protest cum Complaint Case No. 322(C) of 2009. The complainant was examined on S.A. on 22.09.2011, in which she stated regarding the offences committed by the persons named in the complaint petition and thereafter two witnesses were also examined by the complainant and they have also supported the case of the complainant.

The learned Sub Divisional Magistrate, after going through the deposition made by the complainant and witnesses, took cognizance against one co-accused namely Krishna Mishra under sections 465, 467 and 471 of the Indian Penal Code, and did not find



any prima facie case or sufficient materials available against rest of the accused named in the complaint petition.

Aggrieved by the order taking cognizance dated 04.12.2010, the petitioner filed Criminal Revision No. 19 of 2011 inter alia complaining that against rest of the accused also there were sufficient materials and they ought to have been issued summons and cognizance against them also ought to have been taken.

The revisional court also by its impugned order has dealt and discussed each and every point raised by the petitioner and after going through the complaint petition, S.A of complainant, deposition of his witnesses and materials available on record, dismissed the revision petition of the petitioner.

After hearing the parties and going through the order passed by the learned courts below, I do not find any error, illegality or infirmity in the same requiring any interference by this Court, as such the present petition filed under Section 482 of the Cr.P.C is, dismissed.

(S. Kumar, J)

Ranjan/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	17.07.2017
Transmission Date	17.07.2017



