

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21338 of 2014

Arising Out of PS.Case No. -145 Year- 2012 Thana -LAKHISARAI District- LAKHISARAI

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1. Chandan Kumar Son of Shri Arun Kumar Singh Resident of Mohalla Karyanand Nagar, Ward no. 8, P.S+ District- Lakhisarai.
 2. Niraja Devi Wife of Chandan Kumar Resident of Mohalla- Karyanand Nagar, Ward no. 8, P.S+ District- Lakhisarai.
 3. Sunand Kumar Son of Shri Arun Kumar Singh Resident of Mohalla- Karyanand Nagar, Ward no. 8, P.S+ District- Lakhisarai.
 4. Rubi Devi Wife of Sunand Kumar Resident of Mohalla- Karyanand Nagar, Ward no. 8, P.S+ District- Lakhisarai.
 5. Santosh Kumar Son of Binoda Chaudhary @ Binodanand Resident of Village- Nanhkar (Jayrampur), P.S- Bihpur, District Bhagalpur.
 6. Binoda Chaudhary @ Binodanand Son of Bhola Chaudhary Resident of Village- Nanhkar (Jayrampur), P.S- Bihpur, District- Bhagalpur.
 7. Sandip Kumar Rai @ Jhantu @ Jhantu Kumar Son of Bibhanand Rai @ Lalan Rai Resident of village Rannuchak, P.S- Nathnagar, District- Bhagalpur.
 8. Sumit Kumar @ Hitlar @ Hitlar Kumar Son of Bibhanand Rai @ Lalan Rai Resident of village- Rannuchak, P.S Nathnagar, District- Bhagalpur.
 9. Bibhanand Rai @ Lalan Rai Son of Late Tirpit Rai Resident of Village- Rannuchak, P.S- Nathnagar, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Anand Kumar Son of Arun Kumar Singh Resident of ward no. 8, resident of Mohalla- Karyanan Nagar, P.S- Lakhisarai, District- Lakhisarai

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Adv
For the Opposite Party/s : Mr. Md. A. Haque Sahara, 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 01.02.2014 passed in G.R. No. 415 of 2012 (arising out of Lakhisarai P.S. Case No. 145 of 2012) by which the learned court of Sri Om Shankar, Judicial Magistrate 1st Class, Lakhisarai, has taken cognizance against the accused-petitioners for the offences punishable under Sections 341, 323, 452, 504/34 of the Indian Penal Code.

The Complainant-Opposite Party No. 2, Anand Kumar, had filed a written complaint before the Officer-in-Charge, Lakhisarai police station on 15.04.2012, stating therein that the accused-petitioners entered into the house of the informant, abused and assaulted the informant as well as his wife Kiran Kumari.

On the basis of complaint of informant, formal FIR was lodged by the police being Lakhisarai P.S. Case No. 145 of 2012 dated 15.04.2012. After investigation the police found case to be true against the petitioner nos. 1 and 3 only and submitted chargesheet against them. However, the court below after going through the case diary and materials available on record, took cognizance against all the accused named in the FIR, who are petitioners in this case.

Learned counsel for the petitioners has submitted that



the dispute as alleged in the complaint is a civil dispute and relates to partition of ancestral property and as such no criminal case is made out and continuation of present proceeding is an abuse of the process of the court.

The Court below by order dated 01.02.2014, has taken cognizance of the offence against the petitioners on the basis of evidence collected during investigation and statements made in the case diary and police paper and found prima facie case made against the accused-petitioners.

After hearing the parties and going through the order passed by the learned court 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.
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