

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53732 of 2016

Arising Out of PS.Case No. -1079 Year- 2016 Thana -BEGUSARAI COMPLAINT CSAE District-
BEGUSARAI

- =====
1. S. Suresh Kumar, son of Sri D. Sambandan
 2. K. Nagrajan, son of Sri Krishnamurthy Sivasambuall, Both are working for gain with L & T Construction Limited. Mount Ponamalle Road, P.S. Nandambakkan, Chennai- 600089 (Tamil Nadu.)

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sushil Kumar Mishra, Son of Shiv Kumar Mishra, resident of Daniyalpur Teghara, P.S. Teghara, District- Begusarai.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Sandeep Kumar, Advocate.
Mr. Ajit Kumar, Advocate.

For the Opposite Party/s : Mr. Ashwini Kumar Singh, Advocate.

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

3 24-03-2017 Heard both sides.

The petitioners have filed this petition for quashing of the order dated 19.08.2016 passed in Complaint Case No. 1079 of 2016, whereby the Judicial Magistrate found prima facie case under Section 420 of the Indian Penal Code.

Learned counsel for the petitioners submits that no offense under Section 420 of the Indian Penal Code is made out, even after perusal of the entire complaint petition. But Mr. Ashwini Kumar Singh, learned counsel appearing on behalf of the complainant/opposite party no.2 submits that the stage has



already changed. Three witnesses of the complainant have been examined before framing of charge.

On such, learned counsel for the petitioners seeks permission to withdraw this quashing petition with liberty to raise all the points at the time of framing of charge.

Prayer is allowed.

This quashing petition is disposed of as withdrawn with liberty to the petitioner to raise all these points at the time of framing of charge and the petitioners may file a petition, if at all they are aggrieved by the order.

(Prabhat Kumar Jha, J)

Mishra

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