

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52030 of 2013

Arising Out of PS.Case No. -486 Year- 2013 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

=====

1. Nagendra Singh Son Of Sidheshwar Singh Resident Of Village - Sultanpur,
Police Station - Parwalpur, District - Nalanda

2. Niranjana Kumar Singh Son Of Nagendra Singh Resident Of Village - Sultanpur,
Police Station - Parwalpur, District - Nalanda

3. Sabo Devi W/O Nagendra Singh Resident Of Village - Sultanpur, Police Station
- Parwalpur, District - Nalanda

..... Petitioner/s

Versus

1. The State Of Bihar

2. Surendra Singh Son Of Late Janak Singh Resident Of Village - Sultanpur,
Police Station - Parwalpur, District - Nalanda

..... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Mr. Subash Chandra Mishra (APP)

=====

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

Date: 21-08-2017

Heard learned counsel for the parties.

Petitioners, by means of this application under
section 482 of the Cr. P.C., have invoked the inherent jurisdiction
of this Court with prayer to quash the order dated 04.09.2013
passed by Judicial Magistrate, Hilsa, Nalanda in Complaint Case
No. 486 of 2013, whereby cognizance has been taken against the



petitioners for the offences under section 341, 323, 504 and 506/149 of the I.P.C.

The contention of learned counsel for the petitioners is that no offence against the petitioners is disclosed and the present prosecution has been instituted with *mala fide* intention for the purposes of harassment.

Learned counsel appearing for the State opposes the application by contending that there are allegations against the petitioners and no ground for quashing the entire proceedings is made out.

From perusal of the materials available on record and looking into the facts of the case, at this stage, it cannot be said that no offence is made out against the petitioners. All the submissions made at bar relates to the disputed questions of fact, which cannot be adjudicated upon by this Court in exercise of power conferred under section 482 Cr. P.C. Only a *prima facie* satisfaction of the Court about the existence of sufficient ground to proceed in the matter is required. Moreover, the petitioners have got a right of discharge through a proper application for the said purpose and they are free to take all the submissions in the said discharge application before the Trial Court. The prayer for quashing the order taking cognizance is refused.



Accordingly, the application is dismissed.

(Arvind Srivastava, J)

Shailendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.08.2017
Transmission Date	22.08.2017

