

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No 30725 of 2014

Arising Out of PS.Case No. -1854 Year- 2012 Thana -PATNA COMPLAINT CASE District-
PATNA

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Rajeev Kumar Son of Late Ramdeo Sahu, Proprietor, M/S Sah Hardware Store,
Kadam Kuan, Patna - 800003 Resident of Village :- Bansal Tower, Dr. B
Bhattacharya Road, P.S. Gandhi Maidan, Dist.-Patna

.... Petitioner/s

Versus

1. State of Bihar
2. M/s Berger Paints India Ltd, TPS Compound, Near Sonali Automobile
Showroom, Anishabad, P.S. Beur, Town and Dist.-Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr Vishal Saurabh, Advocate
For Opposite Party No 2	:	Mr Sanjiv Sharan, Advocate
For the S t a t e	:	Mr Vishal Saurabh, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 15-11-2017

Heard counsel for the petitioner, Opposite Party No 2
and the learned APP for the State.

2 This application has been filed for quashing the order
taking cognizance dated 03.08.2012 and the entire proceedings arising
out of Complaint Case No 1854C of 2012.

3 Counsel for Opposite Party No 2 has brought to the
notice of the Court that by order dated 12.07.2013, the Court below
had framed charges against the accused persons. He has produced the
certified copy of the said order of the Court below which is being kept
on record. It may be noted that while filing the quashing application



in the year 2014, this fact of the charges having been framed in the year, 2013 has not been brought on record. By suppressing the said order, the petitioner has also obtained a stay of further proceedings in the complaint case vide order dated 17.07.2015 passed in the instant case. The aforesaid conduct of the petitioner does not entitle him to claim relief in exercise of inherent jurisdiction of this Court under Section 482 of Criminal Procedure Code (for short, *Cr P C*).

4 Coming to the allegations in the complaint petition, bare perusal of paragraph 10 discloses that the allegations have been made giving the essential ingredients for taking of cognizance for the offences under Sections 406 and 418 of Indian Penal Code and the order taking cognizance does not warrant any interference by this Court exercising jurisdiction under Section 482 of Cr P C.

5 This application is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.11.2017
Transmission Date	16.11.2017

