

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35175 of 2014

Arising Out of PS.Case No. -745 Year- 2013 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN (MOTIHARI)

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1. Nasrullah Khan son of Late Kashim Khan
 2. Hadish Khan son of Akbar Khan
 3. Armullah Khan son of Late Haibat Khan
 4. Isha Mohammad Khan son of Habib Khan
 5. Jahangir Khan @ Jangir Khan son of Natur Khan
 6. Azeem Ansari son of Late Wakil Ansari
 7. Bhola Khan son of Late Hanif Khan
 8. Abu Ansari son of Late Wakil Ansari
 9. Firoz Ansari son of Nek Mohammad Ansari
 10. Sami Akhtar Khan son of Amrullah Khan
 11. Rajdin Mian son of Late Beni Mian
 12. As Mohammad Khan son of Late Dost Mohammad Khan
 13. Mojibur Rahman Khan son of Late Nathuni Khan
 14. Abdullah Khan son of late Kashim Khan
 15. Heatu Khan son of late Akbar Khan
 16. Faiyaz Khan son of Nasrullah Khan
 17. Lais Khan son of late Ali Hussain Khan
 18. Tahir Khan son of Hadis Khan
 19. Sadam Khan son of Phool Mohammad Khan All resident of village - Kharha,
Police Station - Chiraiya, District - East Champaran.

.... Petitioners

Versus

1. The State of Bihar.
2. Savindra Prasad Yadav son of Nand Lal Prasad Yadav resident of village -
Kharha, Police Station - Chiraiya, District - East Champaran.

.... Opposite Parties

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Appearance :

For the Petitioners	:	Md. Naushad Uzzoha, Advocate
For the State	:	Mr. T.P. Mandal, APP
For O.P. No.2	:	Mr. Prem Prakash Arya, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 15-11-2017

Heard learned counsel for the petitioners, learned APP
appearing on behalf of the State as well as learned counsel for opposite
party no.2.

2. The petitioners seek quashing of the cognizance order dated
27.01.2014, passed by Judicial Magistrate, 1st Class, Sikrahna, Motihari in
Complaint Case No.745 of 2013 thereby taking cognizance of the offence



under Sections 147, 149, 153(A), 452, 382, 504 and 427/34 of the Indian Penal Code.

3. A brief fact giving rise to the case is that on 24.08.2013, a procession of Mahavir Jhanda was being taken out and when it reached in the locality of other religious community then both sides quarreled, police intervened but accused persons belonging to the other community became aggressive, abused, hurt the religious feelings of the Hindu community and entered into the house of the complainant, damaged Mahaviri Jhanda and other items and also damaged the idols of God and committed theft in the house also.

4. Learned counsel for the petitioners submits that due to malice, this false complaint was lodged because three cases relating to the same occurrence was also lodged against the complainant and one case by the Circle Officer. The case and counter case does not become a ground for quashing the cognizance, so there is no ground for interfering with the cognizance order dated 27.01.2014, passed by Judicial Magistrate, 1st Class, Sikrahna, Motihari in Complaint Case No.745 of 2013.

5. Accordingly, the quashing application stands dismissed.

(Arun Kumar, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
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