

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.18829 of 2012**

An application under section 482 of the Code of Criminal Procedure

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1. Kamleshwar Lal Karn S/O Late Deo Narayan Lal
  2. Meera Devi W/O Kamleshwar Lal Karn
  3. Rajani Kumari W/O Ajay Kumar And Daughter Of Kamleshwar Lal Karn
  4. Raushan Kumar S/O Kamleshwar Lal Karna, petitioner nos. 1 to 4 R/O Mohalla-Azad Nagar, Keera Kamal Sadan, Rambagh Chauri, P.S.-Mithanpura, Distt-Muzaffarpur
  5. Asgar Hussain S/O Akbar Hussain R/O Mohalla-Mehadi Hassan Chauk, P.S.-Brahampura, Distt-Muzaffarpur

.... .... Petitioner/s

Versus

1. The State Of Bihar
2. Ramchandra Lal S/O Late Shatrughan Lal R/O Mohalla-Mehsaul, P.S.-Sitamarhi (Mehsaul O.P.), Distt-Sitamarhi

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Hari Kishore Thakur  
For the Opposite Party/s : Mr. Sanjay Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA**

**C.A.V. JUDGMENT**

**Date: 01-08-2017**

Heard learned counsel for the parties.

Petitioners, by means of this application under section 482 of the Code of Criminal Procedure, have invoked the inherent jurisdiction of this Court with prayer to quash the order dated 11.01.2011, passed by Sri Deepanshu Srivastava, Judicial Magistrate, 1<sup>st</sup> Class, Muzaffarpur in Complaint Case No. 1750 of 2010, Trial No. 3607 of 2012, whereby cognizance has been taken against the petitioners for the offences under sections 323, 341, 504, 379 and 384 of the Indian Penal Code.

The contention of the learned counsel for the petitioner



is that no offence against the petitioner is disclosed and the present prosecution has been instituted with mala fide intention for the purposes of harassment. The present complainant is the father-in-law of petitioner no. 3 and Samdhi of petitioner no. 1. Both sides are on litigating terms from before. Petitioner no. 3 had earlier filed a complaint case under section 498A I.P.C. A matrimonial case was filed by the son of the complainant. Son of the complainant has solemnized second marriage and complainant and his son are not ready to give maintenance. Only with a view to avoid payment of maintenance the present false case has been lodged.

Petitioner against the present order under challenge, preferred Criminal Revision No. 42 of 2011, which was dismissed vide Annexure-2.

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

The petitioner by the present application is seeking second revision of the order, which is in teeth of the judgment of the Hon'ble Supreme Court reported in **1993 Cr. L.J. 1049**. Section 397(3) of the Code of Criminal Procedure bars a second revision application by the same party. It is now well settled that the inherent



powers under section 482 Cr. P.C. of the Code cannot be utilized for exercising powers which was expressly barred by the Code. The prayer for quashing the order taking cognizance is refused.

The application accordingly stands dismissed.

**(Arvind Srivastava, J)**

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