

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37605 of 2013

Arising Out of PS.Case No. -null Year- null Thana -null District- PATNA

- =====
1. Ram Pari Devi Wife Of Late Bashisth Narayan Thakur, Resident Of House No. 23, Lal Bahadur Shastri Nagar, North S.K. Puri, P S.-Patliputra Colony, District - Patna-13
 2. Ramesh Prasad Sinha Son Of Late Bashisth Narayan Thakur, Resident Of House No. 23, Lal Bahadur Shastri Nagar, North S.K. Puri, P.S. - Patliputra Colony, District - Patna. - 13
 3. Ravindra Thakur Son Of Late Rasdhari Thakur, Resident Of A/3, Vijay Nagar, P.S.- Rupaspur, Near Baily Road, Patna - 14

.... Petitioner/s

Versus

1. The State Of Bihar
2. Shiv Kumar Rai Son Of Late Janam Prasad Resident Of Mohalla - Punaichak, P.S- Shastri Nagar, District And Town - Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 03-04-2017

This application has been filed for quashing the order dated 15-03-2013 passed by Sri Javed Alam, learned Judicial Magistrate-Ist Class, Patna in Complaint Case No, 3112 (C) of 2012 whereby and whereunder, learned Magistrate took cognizance of an offence under Sections-323/504/341/342/506 of the Indian Penal Code against these petitioners.

Heard the parties.

As per complaint petition, accused Nos. 2, & 3 namely, Udai Kumar Sharma, Sri Pati Jha @ Chhotoe caught the complainant



while accused Nos. 4 & 5 namely, Umesh Kumar Thakur and Vijay Kumar began to beat him by slaps and accused No. 6, Ravi Vishwakarma took out golden chain from pocket of the complainant.

The statement of witness recorded during enquiry has been annexed as Annexure-2 series, which shows that no specific overt act has been attributed against the petitioners. From the complaint petition itself, it appears that there is land dispute between the complainant and petitioner No. 1, for which, Title Suit No. 52 of 2010 is also pending between the parties. The complainant in his solemn affirmation and other witnesses in their statement during enquiry u/S 202 of the Cr.P.C. have not alleged any specific overt act against these petitioners.

Under the aforesaid facts and circumstances, the order taking cognizance including the entire proceeding of Complaint Case No, 3112 (C) of 2012 is, hereby, quashed with respect to the petitioners only.

Accordingly, this Cr. Misc. application is allowed.

(Sanjay Priya, J)

A.K.V./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

