

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3866 of 2015

Arising Out of PS.Case No. -683 Year- 2014 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

- =====
1. Dharm Nath Singh S/o Late Govind Singh
 2. Nawlesh Kumar Singh S/o Dharm Nath Singh
 3. Bipin Bihari Singh S/o Late Jagarnath Singh All resident of village-
Paharpur, P.S. Baikunthpur, District- Gopalganj.

.... Petitioners

Versus

1. The State of Bihar
2. Renu Devi W/o Late Suresh Singh resident of village- Paharpur, P.S.
Baikunthpur, District- Gopalganj.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan

For the State : Mr. Ganesh Prasad Singh (App)

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

2 24-11-2017 Heard learned Counsel for the petitioners as well as the
learned Counsel for the State.

The petitioners who are accused in Complaint Case No. 683 of 2014 have filed this quashing application for setting aside the entire criminal proceeding inclusive of the cognizance order dated 25.7.2014, thereby taking cognizance of the offence under Sections 323 and 34 of the IPC.

The short fact giving rise to the case is that the complainant, the daughter-in-law of petitioner No. 1 whose husband predeceased before lodging of the complaint, alleges that there was dispute relating to the share of her husband in the joint family property and they were not giving her share so she made complaint



before the police. So being enraged by the said action the accused persons used to torture her and one day assaulted and ousted her from the house.

Learned Counsel for the petitioners submits that in fact due to the dispute of share in the family property the petitioners have falsely been implicated in this case. No such incident of assault was committed by the accused persons.

However, the Court finds that it is not a case that no offence under Section 323 is made out from the contents of the allegation leveled in the complaint. The petitioners may have good grounds of defence but the same cannot be considered for setting aside the cognizance order.

The petition stands dismissed.

(Arun Kumar, J.)

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