

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21824 of 2014

Arising Out of PS.Case No. -1138 Year- 2013 Thana -PATNA
COMPLAINT CASE District- PATNA

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1. Imtiaz Khan Son of Late Salim Khan,
 2. Abdul Qayum Son of Late Wajid Khan Both are resident of Village -
Kunhara, P.S. - Barkatta, Dist. - Hazaribagh, Jharkhand

.... Petitioners

Versus

1. The State of Bihar.
2. Devesh Kumar S/o Shri Mahesh Jha Raghuvanshi Nagar (Nasrganj),
P.O. - Digha, P.S. - Digha, Dist. – Patna

.... Opposite Parties

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Appearance :

For the Petitioners	:	Mr. Birendra Kumar, Advocate
For the State	:	Mr. Madhuri Lata (APP)
For the opp.party no.2	:	Mr. Kamlesh Kr.Pathak, Advocate and Mr. Aravind Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 11-10-2017 Counsel for the petitioners and the other side are present.

Petitioners have prayed for quashing order dated 17.1.2014, passed by the Judicial Magistrate, 1st class, Danapur in Complaint case no. 1138C of 2013, by which cognizance of offence has been taken under section 420 of the Indian Penal Code.

Learned counsel for the petitioners submits that the ingredients of the offence are not present to make out a case against the petitioners. He has relied upon the agreement dated 10.1.2012 to show that the responsibility in the instant case was primarily with the lessors. He submits that the said lessors who have been impleaded as accused persons no. 4 to 9 but no



cognizance has been taken for the offence committed by them.
He submits that in isolation offence cannot be made out against the petitioners.

This Court, while exercising its jurisdiction under section 482 of the Code of Criminal Procedure, cannot look into or examine the sufficiency or insufficiency of the evidence available in the complaint case.

Cr. Misc. application stands disposed of.

If the petitioners raise the aforesaid issues at the appropriate stage before the trial court, the same may be considered by it in accordance with law, without being prejudiced by this order.

(Madhuresh Prasad, J)

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