

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41491 of 2013

Arising Out of PS.Case No. -824 Year- 2013 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. A. N. Ramasamy, son of A. Natoraja Nadar, resident of Mohalla - Door No. 12, Chairman Shumugha Nadar Road, P.S. - Shivakashi (Town), Shivakasi, District - Virudhunagar (Tamil Nadu)
 2. B. Vetrivel, son of C. Bacasubramanian, resident of mohalla - 1/379 H3 N.G.O. Colony, P.S. - Sivakasi, District - Virudhunagar (Tamil Nadu).
 3. K. Balamurugan, son of T. Kaniappan, resident of mohalla - 1333, Jawaharlal Nehru Road, P.S. - Sivakasi, District - Virudhunagar (Tamil Nadu).

.... Petitioner/s

Versus

1. The State of Bihar
2. Sudhir Kumar Shukla, son of Harendra Shulka, Proprietor Yash Traders, Now converted as Chandani Enterprises. resident of village - Banswaria, P.S. - Mufassil Motihari, District - East Champaran, at present residing at Mohalla - Nakched Tola, Henari Bazar, P.S. - Nagar Motihari, District - East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate.
Mr. Ram Naresh Prasad, Advocate
Mr. Brajesh Kumar Pandey, Advocate.
For the Opposite Party No.2: Mr. Ansul, Advocate.
Mr. Archit Rajpal, Advocate.
For the Opposite Party/s : Mr. Anish Chandra, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 20-04-2017

1. This application has been filed for quashing the order dated 8.7.2013 passed in Complaint Case No. 824 of 2013, T.R. No. 5501 of 2013 by which the learned Magistrate took cognizance for the offences under Sections 420, 422, 406, 506 and 34 of the Indian Penal Code.

2. Heard learned counsel for the Petitioner, learned counsels for the opposite party No. 2 and the State.

3. In the instant case, earlier the matter was sent to Mediation Centre for reconciliation. As per report of the Mediator dated 2.8.2016, the mediation has failed.



4. It has been submitted on behalf of the parties on last date that talk of compromise is going on between them. In this respect, with consent of both parties, the case was adjourned for today. But no compromise has taken place between the parties.

5. From the impugned order it appears that cognizance has been taken by the learned Magistrate after looking into the Solemn Affirmation of complainant as well as statement of three enquiry witnesses and other documents filed on behalf of the complainant.

6. The learned counsel for the petitioner has not pointed out any illegality or irregularity in the impugned order passed by the learned Magistrate.

7. The court is only required to see prima facie case at the time of enquiry on the basis of allegation made in the complaint petition and statement of witnesses recorded during enquiry.

8. Therefore, this application is dismissed.

9. In the event the parties file compromise petition in the court below, the court below will pass appropriate order in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	24.04.2017
Transmission Date	24.04.2017

