

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.20848 of 2014**

Arising Out of PS.Case No. -1477 Year- 2012 Thana -SIWAN COMPLAINT CASE District-  
SIWAN

- =====
1. Prabhunath Singh
  2. Ram Pratap Singh Both S/o Late Ram Nagina Singh Both Resident of Village Guthani, Tole Yogiya Dih, Police Station Guthani, District Siwan

.... .... Petitioners

Versus

1. The State of Bihar.
2. Most. Fulbadana Devi W/o Late Ram Kripal Singh Resident of Village Guthani, Tole Yogiya Dih, Police Station Guthani, District Siwan.

.... .... Opposite Party

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**Appearance :**

For the Petitioners : Mr. Raghav Prasad  
For the State : Mr. Satyendra Narayan Singh (App)  
For O.P. No. 2 : Mr. Sarvadeo Singh

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR**  
**ORAL ORDER**

4      10-11-2017                      Heard learned Counsel for the petitioners as well as the learned Counsel for the State as well as the learned Counsel appearing on behalf of O.P. No. 2.

The petitioner seeks quashing of the cognizance order dated 7.2.2014 passed by the Judicial Magistrate, 1st Class, Siwan in Complaint Case No. 1477 of 2012, thereby taking cognizance of the offence under Sections 323, 504, 380, 506 and 34 of the IPC.

Learned Counsel for the petitioners submits that the facts alleged in the complaint or the statement given by the complainant on solemn affirmation before the Court do not make out any offence, so continuance of the proceeding would be abuse of the process of the Court. Learned Counsel for the petitioners also submits that a Title



Suit is pending between both sides as the complainant is sister-in-law, wife of the elder brother of the petitioners; so due to property dispute falsely implicated the petitioners.

Contrary to that learned Counsel for O.P. No. 2 submits that the facts stated in the complaint and the statements made by the complainant on solemn affirmation do make out the *prima facie* offence in which cognizance has been taken.

Having considered the rival submissions of the parties and on perusal of the record it appears that the statement made in the complaint is that the complainant was dragged out of the room and was assaulted by the petitioners by fists and slaps. The same statement is reiterated again in her solemn affirmation, so it is not that the allegations alleged in the complaint or contents of the statement of the complainant given on solemn affirmation do not make out *prima facie* case. The defence of the accused persons cannot be considered for quashing cognizance order.

So finding no merit in the application or any ground for interference with the cognizance order, this application is dismissed.

**(Arun Kumar, J.)**

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