

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.11353 of 2012

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Gulshan Nisha W/o Islam Ansari And D/o Mohamad Hanif Ansari Resident of
Village- Damchhu, P.S- Basantpur, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar
2. Lal Bahadur Rai S/o Late Banshi Rai Resident of Village- Damchhu, P.S-
Basantpur, District- Siwan.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey

For the Opposite Party/s : Mr. M. Rub (A.P.P.)

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

C.A.V. JUDGMENT

Date: 14-03-2018

Heard learned counsel for the parties.

2. Petitioner, by means of this application under section 482 of the Code of Criminal Procedure, has invoked the inherent jurisdiction of this Court with prayer to quash the order dated 18.01.2012 passed by the Additional Sessions Judge, F.T.C.-I, Siwan in Cr. Revision No. 19 of 2010, whereby and whereunder the petition filed by the petitioner for setting aside the order dated 26.11.2009 passed by the learned Judicial Magistrate, 1st Class, Siwan in Complaint Case No. 1018 of 2009, corresponding to Trial No. 1550 of 2009, by which cognizance has been taken under sections 468, 120B, 417 and 323 of the Indian Penal Code, has been dismissed.

3. The contention of the learned counsel for the



petitioner is that no offence against the petitioner is disclosed and the present prosecution has been initiated with mala fide intention for the purpose of harassment. Further, submission is that the dispute involved is with regard to land. From the land in question, half land was purchased by the petitioner and remaining half was purchased by the opposite party no.2. As such, no question of grabbing the land of opposite party no.2 arises. For this dispute, a Title Suit No. 203 of 2010 is also pending between the parties. The dispute involved is purely civil in nature. Petitioner against order taking cognizance dated 26.11.2009 had preferred Cr. Revision No. 19 of 2010, which was dismissed by the order impugned.

4. Learned counsel appearing for the State opposes the application by contending that there are allegations against the petitioner and no ground for quashing the orders under challenge is made out.

5. Petitioner had preferred revision against the order taking cognizance, which has been dismissed by the order impugned. By the present application, the petitioner is virtually seeking second revision of the order, which is in teeth of the judgment of the Hon'ble Supreme Court reported in 1993 Cr. L.J. 1049.

6. Section 397(3) of the Code of the Criminal Procedure bars a second revision application by the same party. It is now well



settled that the inherent powers under section 482 Cr. P.C. cannot be utilized for exercising powers which is expressly barred by the Code. The prayer for quashing the orders under challenge is refused.

7. The application, accordingly, stands dismissed.

(Arvind Srivastava, J)

Shailendra/-

AFR/NAFR	N.A.F.R.
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