

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14303 of 2014

Arising Out of PS. Case No.-118 Year-2012 Thana- BARSOI District- Katihar

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1. Amresh Kumar Rana @ Amresh Rana son of Late Laxman Paswan, presently posted as L D C Clerk at LRDC Office, Katihar, District Katihar
 2. Dulari Devi wife of Late Laxman Paswan Both resident of village Barhi Bigha, P.S. Hilsa, District Nalanda

... .. Petitioners

Versus

1. The State of Bihar
2. Ragini Sahu Wife of Dr. Sita Ram Sah Resident of Village Dumra, P.O. Hardia, Via Singhia, District Samastipur, Presently Posted As B D O, Barsoi, P.S. Barsoi, District Katihar

... .. Opposite Partys

Appearance :

For the Petitioner/s : Mr. Jibendra Mishra

For the Opposite Party/s : Mr. Pranav Kumar (APP)

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
CAV JUDGMENT

Date : 11-04-2018

Heard learned counsel for the petitioners and learned counsel for the State.

Petitioners, by means of this application under section 482 of the Cr. P.C., have invoked the inherent jurisdiction of this Court with prayer to quash the order dated 02.03.2013 passed by the learned Chief Judicial Magistrate, Katihar in Barsoi P.S. Case No. 118 of 2012 (G.R. No. 2246 of 2012), whereby and whereunder the learned Court below has taken cognizance against the petitioners for the offence under sections 504, 506, 509, 353, 34 of the Indian Penal Code and directed for issuance of summons against them.



The informant, who is the B.D.O. in the district of Katihar, has alleged in the F.I.R. that on the date of occurrence, when she was discharging her official duty in Chamber, the accused persons/petitioners suddenly entered in her Chamber and started to misbehave with her in filthy languages and disturbed her. It is also alleged in the F.I.R. that petitioner no. 2 has threatened her to implicate in criminal cases and Harijan Atrocities Act. It is further alleged that petitioners have illegally captured the Government Quarter within the block premises. It is also stated that petitioner no. 2 has torn some records kept on the table and also taken away some records.

Submission of learned counsel for the petitioners is that the present prosecution has been instituted with *mala fide* intention for the purposes of harassment. The informant wanted to drive out the petitioners from the Government Quarter, due to which, they have falsely been implicated by the informant with ulterior motive. The alleged first information report is lodged on 06.06.2012 at 4:00 pm., but her petition before the Officer-in-Charge Barsoi was sent to the higher authority through Fax much prior to the alleged time of occurrence at 02:21 pm., which goes to show the conspiracy of the informant against the petitioners, as detailed in Annexeure-4. Further submission is that on perusal of Annexure-5,



it appears that petitioner no.1 was exonerated from the charges leveled against him.

Learned counsel appearing on behalf of the State opposes the application by contending that there are allegations against the petitioners and no ground for quashing the entire proceedings is made out.

From perusal of materials on record and looking into the facts of the case at this stage, it cannot be said that no offence is made out against the petitioners. All the submissions made at bar relates to the disputed question of facts and defence, which cannot be adjudicated upon by this Court in exercise of power conferred under section 482 of the Cr. P.C. Only a *prima facie* satisfaction of the Court about the existence of sufficient ground to proceed in the matter is required. Moreover, the petitioners have got a right of discharge through a proper application for the said purpose and they are free to take all the grounds in the said discharge application before the Trial Court. The prayer for quashing the order taking cognizance is refused.

Accordingly, the application stands dismissed.

Shailendra/-

(Arvind Srivastava, J)

AFR/NAFR	NAFR
CAV DATE	13.11.2017
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