

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52088 of 2014

Arising Out of PS.Case No. -502 Year- 2013 Thana -BEGUSARAI COMPLAINT CSAE District-
BEGUSARAI

- =====
1. Dhananjay Kumar @ Tunka
 2. Sanjay Singh @ Sanjay Kumar Both sons of Janardan Singh
 3. Tarun Jha @ Tarun Kumar, son of Rishi Jha All residents of Village-
Nayagaun, P.S. Nayagaun, District- Begusarai

.... Petitioners

Versus

1. The State of Bihar
2. Rajesh Kumar, Son of Raj Kumar Singh, resident of Village- Nayagaun,
P.S. Nayagaun, District- Begusarai

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Raghwanand

For the Opposite Party/s : Mr. Ashok Kr.Singh (App)

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

6 08-01-2018 Heard learned Counsel for the petitioner as well as the
learned Counsel for the State.

A supplementary affidavit has been filed on behalf of the
petitioners.

The petitioners seek quashing of the cognizance order
dated 17.7.2014 passed in Complaint Case No. 502 (C) of 2013 by
learned Judicial Magistrate, 1st class, Begusarai, thereby taking
cognizance of the offence under Sections 279, 341 and 323 of the
IPC.

Learned Counsel for the petitioners submits that the
complainant's motorcycle was hit by the petitioners' motorcycle and
on account of that he fell down and sustained simple injuries and on



account of land dispute the complainant falsely made allegation of assault and filed Police case, but the police after investigation submitted final form finding the case not true and only on protest petition this matter has proceeded and cognizance was taken by the court concerned.

Having considered the rival submission and on perusal of the record the Court finds that though the police has submitted final form in the police case but the learned Magistrate has taken cognizance of the offence on the basis of materials transpiring during enquiry treating the protest petition filed by the complainant as complaint and merely that the police submitted final form so cognizance cannot be taken is not tenable in the eye of law because the allegations in the complaint do prima facie disclose offence in which cognizance has been taken. Hence, it is a matter of trial whether the alleged offence is true or not.

So the application stands dismissed.

(Arun Kumar, J.)

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