

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40490 of 2015

Arising out of Complaint Case No.-432 Year-2014 Thana- ROHTAS COMPLAINT CASE
District- Rohtas

-
1. Vijay Bahadur Singh
2. Mithilesh Kumar Singh, Both Sons of Late Baleshwar Singh,
Resident of Village - Jamodhi, Police Station - Bikramganj,
District - Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sammat Rai, Son of Late Meghbaran Rai, Resident of Village - Jamodhi,
Police Station- Bikramganj, District - Rohtas.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parijat Saurav, Advocate
For the Opposite Party/s :

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date : 18-04-2018

Seeking quashment of Complaint Case No. 432 of
2014 registered vide order dated 17.04.2015 by the Sub-
Divisional Judicial Magistrate, Bikramganj, Rohtas for offences
under Sections 323, 380/34 I.P.C. this application has been filed.

It is stated that because of partition and dispute
pertaining to property a false complaint has been lodged and as
the complaint is a consequence of the civil dispute between the
parties arising out of the partition, the complaint be quashed.

However, on a perusal of the averments made in
the complaint (Annexure-1), the F.I.R. registered in the matter
and the statement of witnesses that have come on record, it is



seen that specific allegations have been made with regard to the applicants entering the house of the complainant, assaulting him on 08.06.2014 at 12 noon with sword, pistol and other equipments, snatching away a briefcase containing Rs. 55,000/-, removing various household commodities worth Rs. 10,000/- and a wrist watch of Rs. 2500/- and based on the same, the offence has been registered under Sections 323/380/34 of the I.P.C.

Taking note of the specific averments made in the complaint and the statement of witnesses recorded under Section 200 of the Cr.P.C., I am of the considered view that, at this stage, after evaluating the defence of the applicants, holding the complaint to be false or frivolous and instituted with mala fide intention cannot be ordered by this Court. This being beyond the purview of the jurisdiction available to this Court under Section 482 Cr.P.C., I see no reason to make any indulgence into the matter. A bare reading of the complaint and the statement of the witnesses shows that serious allegations are made with regard to the incident that took place on 08.06.2014 and there being material available in the body of the complaint showing commission of the offence, it is not appropriate to interfere into the matter at this stage in a proceeding under



Section 482 Cr.P.C.

Granting liberty to the petitioners to raise all objections and defence before the court below and seek their discharge or exoneration in the criminal case, the application stands dismissed.

(Rajendra Menon, CJ)

P.K.P./-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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