

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1819 of 2016

Arising out of Complaint Case No.-369 Year-2011 Thana- PATNA COMPLAINT CASE

District- Patna

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1. Mosmat Dharamsheela Devi, wife of Late Bindeshwari Prasad
 2. Amit Kumar Pankaj
 3. Sumit Kumar,

Both sons of Late Bindeshwari Prasad, all residents of Mohalla-
Mansoorganj, Bhaishani Tola, Police Station- Malsalami, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anand Mohan Singh, son of Kailash, a resident of Bahari Dhawalpura,
Police Station- Chowk, District- Patna, at present Police Station- By-pass,
District- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Mouar, Advocate

For the Opposite Party/s :

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date : 30-04-2018

Having heard learned counsel for the applicants, it
is seen that serious allegations have been made in the body of
the complaint with regard to the act of making the complainant
go to the house in the garb of ailment of his mother Dharam
Sheela Devi, act of the applicants in illegally confining him,



thereafter making him sign on a stamp paper worth Rs. 5 lacs, threatening him and assaulting him.

Based on the aforesaid assertion made in the complaint and the statement of witnesses recorded, offence has been registered under Sections 323, 341, 327, 406, 420 and 506 of the I.P.C. and the applicants' application for discharge has also been rejected by the court below on the ground that based on the allegations made in the complaint, at this stage, the discharge is not permissible.

Even though, learned counsel tried to indicate that a Title Suit between the parties are pending, and, therefore, it is a case of false allegation but keeping in view the nature of allegations made in the complaint, which is supported by statement of witnesses recorded at the time of registration of the complaint, it is not appropriate for this Court to evaluate the defence of the applicants and exonerate them of the allegations levelled in the complaint in exercise of its extraordinary jurisdiction under Section 482 Cr.P.C. It is a case where on a bare reading of the complaint, certain offences are prima facie made out and, therefore, it is not appropriate to interfere into the matter at this stage in these proceedings under Section 482 Cr.P.C.



Granting liberty to the applicants to raise all the grounds as may be permissible before the court below, this application stands dismissed.

(Rajendra Menon, CJ)

P.K.P./-

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