

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3326 of 2015

Arising Out of PS. Case No.-1852 Year-2013 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Amarnath Chakravarty Son of Late Biswanath Chakravarty
 2. Rita Chakravarty Wife of Amarnath Chakravarty
 3. Arunay Chakravarty @ Sanjeet Chakravarty Son of Amarnath Chakravarty All are residents of Park Road, P.S. - Kadam Kuan, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Babloo Kumar Son of Late Janardan Prasad Singh Resident of Park Road, P.S. - Kadamkuan, District - Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Rajesh Mohan, Advocate
For the State	:	Mr. U.S. P. Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date : 03-08-2018

Heard learned counsel for the petitioners and the learned
APP appearing on behalf of the State.

2. The petitioner seeks quashing of the cognizance order dated 24.02.2014, passed by learned Judicial Magistrate, 1st Class, Patna in Complaint Case No.1852 (c) of 2013 thereby taking cognizance of the offence under Sections 323, 379 and 448/34 of the Indian Penal Code.

3. The accusation in the complaint is that the accused persons recently started living as a tenant three months back in the house of the complainant and used to throw garbage on the way of



the complainant, when objected, one day the petitioners entered into his flat, abused, threatened and committed theft by taking away some articles kept in the house.

4. Learned counsel for the petitioners submits that there is dispute between the landlord and tenant and a rent fixation case is also going on which was filed later on by the petitioners' side, so false implication was made.

5. Having considered the rival submissions, the Court finds that defence of the accused cannot be considered at this stage for quashing the order of cognizance dated 24.02.2014, passed by learned Judicial Magistrate, 1st Class, Patna in Complaint Case No.1852 (c) of 2013 and it is not that no offence is disclosed from the accusation made in the complaint, so the quashing application stands dismissed.

(Arun Kumar, J)

S.KUMAR/-

AFR/NAFR	NAFR
CAV DATE	NA
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