

# IN THE HIGH COURT OF JUDICATURE AT PATNA

## Criminal Miscellaneous No.41124 of 2013

Arising Out of PS.Case No. -3159 Year- 2010 Thana -PATNA COMPLAINT CASE District-  
PATNA

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1. Nusrat Ara Wife Of Ashraf Rehmani Resident Of Flat No. 306, Mahamaya  
Apartment, Ramna Road, Police Station - Pirbahore, District - Patna

.... .... Petitioner/s

Versus

1. The State Of Bihar
2. Tajmun Nisa Wife Of Maulana Wahidul Haque Resident Of Purani Chatti, Near  
Mahmoodia Madarsa, P.O. & P.S. - Sherghati, District - Gaya, Pin Code No. -  
824211
3. Roomana Rahmani Wife Of Md. Talib Hussain & D/O Maulana Wahidul Haque  
Resident Of Purani Chatti, Near Mahmoodia Madarsa, P.O. & P.S. - Sherghati,  
District - Gaya, Pin Code No. - 824211
4. Aqbat Rahmani @ Aqbat @ Aqbat Rahmani D/O Maulana Wahidul Haque  
Resident Of Purani Chatti, Near Mahmoodia Madarsa, P.O. & P.S. - Sherghati,  
District - Gaya, Pin Code No. - 824211
5. Amjad Rahmani S/O Maulana Wahidul Haque Resident Of Purani Chatti, Near  
Mahmoodia Madarsa, P.O. & P.S. - Sherghati, District - Gaya, Pin Code No. -  
824211

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Jay Prakash Singh, Adv.  
For the Opposite Party/s : Mr. Pranav Kumar, A.P.P.  
For O.P. Nos. 2 to 5 : Mr. Syed Asghar Najmi, Adv.

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**CORAM: HONOURABLE**

**MR. JUSTICE ARVIND SRIVASTAVA**  
CAV JUDGMENT

**Dated: 14-03-2018**

Heard learned counsel for the petitioner and the State.

2. Petitioner, by means of this application under section  
482 of the Code of Criminal Procedure, has invoked the inherent  
jurisdiction of this Court with prayer to quash the order dated  
07.02.2012 passed by the Additional District and Sessions Judge, -  
III, Patna in Cr. Revision No. 752 of 2011, arising out of Complaint  
Case No. 3159(c) of 2010, filed under sections 323, 498(a), 406 and



504 of the Indian Penal Code.

3. The contention of the learned counsel for the petitioner is that no offence against the petitioner is disclosed and the present prosecution has been initiated with *mala fide* intention for the purpose of harassment. In fact, the processes issued against the opposite parties have been recalled by the order dated 28.07.2011 passed by the Judicial Magistrate, -1<sup>st</sup> Class, Patna although prima facie case has been found against the opposite parties, accordingly, the same has been challenged in Cr. Revision No. 752 of 2011 but learned Additional District and Sessions Judge-III, Patna without considering the aforesaid materials dismissed the aforesaid criminal revision, which is impugned herein.

4. Learned counsel appearing for the State opposes the application by contending that the learned Additional District and Sessions Judge-III, Patna has rightly rejected the revision filed by the petitioner and no ground for quashing the order under challenge is made out.

5. By the present application, the petitioner is virtually seeking second revision of the order impugned, which is in teeth of the judgment of the Hon'ble Supreme Court reported in **1993 Cr. L.J. 1049**. Moreover, Section 397(3) of the Code of the Criminal Procedure bars a second revision application by the same party. It is now well settled that the inherent powers under section 482 Cr. P.C.



cannot be utilized for exercising powers which is expressly barred by the Code. The prayer for quashing the orders under challenge is refused.

6. The application, accordingly, stands dismissed.

**(Arvind Srivastava, J)**

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