

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21702 of 2015

Arising Out of PS.Case No. -556 Year- 2012 Thana -MUNGER COMPLAINT CASE District-
MUNGER

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1. Anirudh Mishra, son of Chhote Lal Mishra, resident of village- Sisua, P.S.
Harpur, District - Munger

.... Petitioner/s

Versus

1. The State of Bihar
2. Sanju Devi, wife of Vimal Kumar Mishra, resident of village- Sisua, P.S.
Harpur, District - Munger

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 02-04-2018

This application under Section 482 Cr. P.C. has been filed for quashing the order dated 21.11.2013 passed by the Sessions Judge, Munger, in Cr. Revision No. 141 of 2013 by which he has dismissed the revision application and affirmed the order dated 31.07.2013 passed by the Judicial Magistrate, 1st Class, Munger, in Complaint Case No.556-C of 2012, by which the learned Magistrate after holding enquiry has found *prima facie* case against the petitioner for the offence under Sections 147, 323, 504/34 Indian Penal Code.

Main argument of learned counsel for the petitioner is that in the complaint itself it is mentioned that earlier matter was pending before the *Gram Kachahari*. Thereafter, learned Magistrate



without going into the records of *Gram Kachahari* has taken cognizance in the case.

This Court after perusing the complaint filed on behalf of the complainant finds that it is mentioned in the complaint that no final order was passed in *Gram Kachahari*. In the *Gram Kachahari*, the complainant was directed to take appropriate action in the appropriate Court.

Therefore, this Court does not find any illegality in the impugned order passed by the learned Court below.

The application is, accordingly, dismissed.

Petitioner is, however, given liberty to raise all the points as raised in this application in the Court below at the stage of framing of Charge, which shall be considered and disposed off by the Court below in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

J.Alam/-

AFR/NAFR	NAFR
CAV DATE	N/A
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