

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14383 of 2014

Arising Out of PS. Case No.-56 Year-2013 Thana- HABIBPUR District- Bhagalpur

Md. Hasnain Khan Son of Late Ismail Khan Resident of Mohalla- Kabirpur,
P.S- Nathnagar (Lalmatia), District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sada Nand Roy
For the Opposite Party/s : Mr. Zainul Abedin (APP)

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
CAV JUDGMENT

Date : 11-04-2018

Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner, by means of this application under section
482 of the Cr. P.C., has invoked the inherent jurisdiction of this
Court with prayer to quash the order dated 16.01.2014 passed by
the learned C.J.M., Bhagalpur in Habibpur P.S. Case No. 56 of
2013 (G.R. No. 1874 of 2013), whereby and whereunder the
learned Court below has taken cognizance against the petitioner
for the offence under sections 406, 420 and 506 of the Indian Penal
Code.



Submission of learned counsel for the petitioner is that the present prosecution has been instituted with *mala fide* intention for the purposes of harassment. To grab the property of the petitioner, a forged and fabricated documents were prepared by the informant. Petitioner never intended to sell any property and land to the informant. It is also submitted that no criminal offence is made out against the petitioner.

Learned counsel appearing on behalf of the State opposes the application by contending that there are allegations against the petitioner and no ground for quashing the entire proceedings is made out.

From perusal of materials on record and looking into the facts of the case at this stage, it cannot be said that no offence is made out against the petitioner. All the submissions made at bar relates to the disputed question of facts and defence, which cannot be adjudicated upon by this Court in exercise of power conferred under section 482 of the Cr. P.C. Only a *prima facie* satisfaction of the Court about the existence of sufficient ground to proceed in the matter is required. Moreover, the petitioner has got a right of discharge through a proper application for the said purpose and he is free to take all the submissions in the said discharge



application before the Trial Court. The prayer for quashing the order taking cognizance is refused.

Accordingly, the application stands dismissed.

(Arvind Srivastava, J)

Shailendra/-

AFR/NAFR	NAFR
CAV DATE	13.11.2017
Uploading Date	12.04.2018
Transmission Date	12.04.2018

