

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50026 of 2013

Arising Out of PS.Case No. -326 Year- 2010 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

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1. Prof. Vidya Sagar Prasad S/O Late Bindeshwari Prasad Resident Of Hilsa (Town),
Police Station- Hilsa, District- Nalanda.

2. Manorama Devi @ Manorama Sinha W/O Prof. Vidya Sagar Prasad Resident Of
Hilsa (Town), Police Station- Hilsa, District- Nalanda Petitioners

Versus

1. The State Of Bihar

2. Madu Priya D/O Arun Kumar Sinha Resident Of Mohalla- Bhainsasur, Near
Telephone, Exchange, Police Station- Bihar Sharif, District- Nalanda.

.... .. Opposite Parties

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Appearance :

For the Petitioners : Mr. Mukesh Kumar, Advocate

For the State : Mrs. Pushpa Sinha, APP

For the opp.party no.2 : Mr Rana Balgit Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 11-04-2018

Heard learned counsel for the petitioners, the State and the
opposite party no.2.

It is submitted on behalf of the petitioners that the
allegations made out against the petitioners to are false as the
complainant has sustained injuries by falling in the bathroom and
taking advantage of such injuries she has implicated them in the
false case. It is also submitted that the petitioners are aged persons
and suffering from various illness.

Learned counsel for the opposite party no. 2 opposes the
prayer made on behalf of the petitioners. It is also pointed out by the
learned counsel that vide orders dated 14.3.2018 and 6.4.2018,
passed in Cr.Misc.Nos. 10759/2012 and 49887/2013 respectively,



this Court has dismissed quashing applications of other accused persons filed for quashing of cognizance order dated 11.6.2010.

Defence of the petitioners cannot be looked into by this Court. It is also noticed that merely because the petitioners are suffering from some illness, the criminal proceedings wherein allegations have been levelled against them by the complainant, cannot be quashed by this Court exercising jurisdiction under section 482 of the Code of Criminal Procedure, even the plea of the petitioners that they are ill, is taken to be true. This Court finds sufficient material in the complaint before the learned Magistrate to arrive at the conclusion regarding taking of the cognizance. As such, this Court finds no infirmity in the order dated 11.6.2010, wherein cognizance has been taken in Complaint Case No. 326C of 2010 for the offence under sections 498A, 406, 323, 379, 504/34 of the Indian Penal Code.

Considering the aforesaid submissions, the petition filed under section 482 of the Cr.P.C. is dismissed.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	NAFR
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