

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48534 of 2014

Arising Out of PS. Case No.-1804 Year-2012 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Madhav @ Madho Prasad @ Madho Prasad Gupta /o Late Narsingh Prasad Gupta @ Late Narsingh Prasad
 2. Bimla Prasad Gupta @ Bimla Devi W/o (Late) Narsingh Prasad
 3. Mahesh Prasad S/o (Late) Narsingh Prasad Gupta @ (Late) Narsingh Prasad All R/o Village Ishak Chak, Bhagalpur presently resident of G.D. Mishra Path, House No. 2/174 New Patliputra Colony, P.S. Patliputra, District Patna.

... .. Petitioner/s

Versus

State Of Bihar and Anr

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Fakhruddin Ali Ahmad
For the Opposite Party/s : Mr.Md.Sufiyan App

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 04-04-2019 Heard the parties.

This application has been filed for quashing of order dated 2.1.2013 passed in Complaint Case No.1804(C) of 2012, by which the cognizance has been taken against the petitioners under Sections 452 and 498(A)/34 of the Indian Penal Code.

Submission of the learned counsel for the petitioners is that petitioner no.2 is the mother-in-law and the petitioner no.3 is the brother-in-law and allegation is vague, however, without considering the same, the cognizance has been taken and even no case is made out under Section 452 of the IPC.

Heard learned APP. From perusal of the record it



appears that after examination of the witnesses, the cognizance has been taken under Sections 452 and 498(A)34 of the IPC and the petitioners have a chance to raise these facts at the time of framing of the charge, as such this application is disposed of with direction that at the time of framing of the charge, he may raise all the points which will be considered by the learned court below and it shall be disposed of by a reasoned order.

It is also expected that if there is any chance of compromise, the learned court below shall also try for that.

Accordingly, this application is disposed of.

(Vinod Kumar Sinha, J)

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