

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.770 of 2019

Arising Out of COMPALINT CASE No.-955 Year-2017 District- Khagaria

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1. Md. Sarfaraj @ Md. Sarfaraj Alam Son of Md. Rashid @ Md. Rashid Alam Resident of Village - Ranginiya, P.S.- Simri Bakhtiyarpur, District- Saharsa
 2. Md. Rashid @ Md. Rashid Alam Son of Md. Alim Resident of Village - Ranginiya, P.S.- Simri Bakhtiyarpur, District- Saharsa

... .. Petitioner/s

Versus

1. State of Bihar through Principal Secretary, Home Police Deptt., Govt. of Bihar, Patna
2. The Superintendent of Police, Vaishali at Hajipur Bihar
3. The Deputy Superintendent of Police, Vaishali at Hajipur Bihar
4. The S.H.O., Mariya Police Station, Parbatta, District - Khagaria Bihar
5. The Investigation Officer of Complaint Case No. 955C/2017, Mariya Police Station, Parbatta, District- Khagaria
6. Md. Sajid Son of Late Sahamatt Resident of Village - Devari, P.S.- Parbatta, District- Khagaria

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Nikesh

For the Respondent/s : Mr.Md. Nadim Seraj

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 01-05-2019 Learned counsel for the petitioners seeks leave to make certain corrections in the cause title of the application.

Leave is granted. Let necessary corrections be made in the course of the day.

This application under Articles 226 and 227 of the Constitution of India has been filed by the petitioners for



quashing the Complaint Case No. 955-C of 2017 registered under Sections 467, 468, 469 and 120-B of the Indian Penal Code in which the accused persons have been summoned to face trial for the offences punishable under Section 420 of the Indian Penal Code only.

Learned counsel for the petitioners fairly submitted that another application under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C') has been filed by the petitioners for quashing the summoning order under Section 204 of the Cr.P.C bearing Cr.Misc. No. 28044 of 2018, which is pending before a coordinate Bench of this Court.

The summoning order has been passed after the complaint was filed. Before summoning, the court has recorded the statement of the complainant on oath and conducted enquiry under Section 202 of the Cr.P.C. Thus, once a subsequent order has been challenged before the Court, the original complaint cannot be allowed to be challenged in a separate proceeding as there cannot be two parallel proceedings in the same Court, one for challenging the complaint and another for challenging the summoning order.

Accordingly, the application is dismissed. However, this order shall not prejudice the case of the petitioner in



Cr.Misc. No. 28044 of 2018, which has been filed for quashing
the summoning order.

(Ashwani Kumar Singh, J)

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