

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16336 of 2015

Arising Out of Complaint Case No.-414 Year-2014 District- Aurangabad

Chandan Kumar Jha, Son of Satyanand Jha at present posted as Station House Officer, Kasma, P.S. - Kasma, District - Aurangabad.

... .. Petitioner/s

Versus

1. State of Bihar
2. Arjun Bhuiyan Son of Late Khaderan Bhuiyan Vill - Arthua, P.S. - Kasma, District - Aurangabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
Mr. Santosh Kumar Pandey
For the Opposite Party/s : Mr. Alam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

6 16-05-2019 Heard the learned counsel for the petitioner and the State.

The petitioner seeks quashing of the order dated 05.02.2015 passed in connection with Complaint Case No. 414 of 2014, whereby cognizance has been taken under Sections 504, 427 and 34 of the Indian Penal Code.

The complainant / Opposite Party No. 2 has alleged that he was manhandled, abused and the building construction materials purchased by him was damaged by the petitioner and his two other associates.

The learned counsel for the petitioner has



submitted that the complaint petition does not disclose any offence for the simple reason that prior to the lodging of the complaint, an application was filed by the complainant / Opposite Party No. 2, seeking initiation of emergency proceeding against his adversary. The petitioner in his capacity as Sub-Inspector of Police investigated the matter and found that there was a possibility of breach of peace.

It is further submitted on behalf of the petitioner that only because of such report submitted by him in his official capacity that the complainant / Opposite Party No. 2 became angry and in order to feed fat the old grudge, has lodged this complaint at the instance of some others who were pooling wires from behind.

Apart from this, the learned counsel for the petitioner has tried to show to this Court that on the date of the occurrence, the petitioner was not present.

This Court is not inclined to enter into these factual details / defence of the petitioner at this stage. However, liberty is granted to the petitioner to raise all these issues at the stage of framing of the charge.



Should such a petition for discharge be filed before the court below on behalf of the petitioner, the same shall be disposed off by the court below in accordance with law, without being at all prejudiced with the fact that the present petition has not been entertained by this Court.

With the aforesaid observation / direction, this petition stands disposed off.

(Ashutosh Kumar, J)

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