

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10720 of 2015

Arising Out of PS. Case No.-370 Year-2012 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

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1. Raju Kumar Keshari
 2. Rajesh Kumar Keshari Both are S/o Baij Nath Keshari R/o Bakhari Bazaar,
P.S. Bakhari, District Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sunita Devi @ Tripul Devi w/o Anil paswan R/o Village Bahadurpur, P.S.
Alauli, District Khagaria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr. Sadanand Paswan, SPL.PP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 15-07-2019

Heard learned counsel for the petitioners and learned

Additional Public Prosecutor for the State.

2. This application is for quashing the order dated 24.04.2014 whereby cognizance has been taken for the offences under Sections 341, 323 and 504/34 of the Indian Penal Code against the petitioners on a protest petition filed in Begusarai SC/ST P.S. Case No.200 of 2010.

3. The perusal of the protest-cum-complaint petition, bearing No.370 'c' of 2012, at Annexure-1, would reveal that for land dispute the petitioners allegedly committed assault by fists and slaps to the informant as well as her husband and abused by taking caste name.

4. Learned counsel for the petitioners submits that for



land dispute civil suit is going on between the parties and just to pressurize criminal cases one after another has been filed by the same complainant. Earlier Complaint Case No.116 ‘c’ of 2010 was filed for the offences under Section 406 of the Indian Penal Code wherein cognizance was taken. The order has been quashed by a coordinate Bench of this Court in Cr. Misc. No.31007 of 2011. This case apparently suffers from mala fide prosecution to pressurize in a civil dispute.

5. Considering the prima facie disclosure of ingredients of offences for which cognizance has been taken as well as considering that the probable defence and the background of the allegation cannot be looked into at this stage, I do not find any reason for interference with the impugned order.

6. Hence, this application is dismissed as devoid of any merit. Further, there is no need to say that the petitioner would be at liberty to raise his grievance at the stage of charge, which the law itself permits at the stage of charge.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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