

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82596 of 2019

Arising Out of PS. Case No.-200 Year-2017 Thana- DARBHANGA SADAR District-
Darbhanga

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1. ABDUL WAHAB S/o Late Iltaf Hussain Khan Resident of Nainaghat, P.S.- Sadar,
District- Darbhanga
 2. Ekhlague Ahmad Khan S/o Late Fazlu Khan Resident of Nainaghat, P.S.- Sadar,
District- Darbhanga
 3. Nazmul Islam Khan S/o Ekhlague Ahmad Khan Resident of Nainaghat, P.S.- Sadar,
District- Darbhanga

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Neeraj Kumar Gupta Adv
For the Opposite Party : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 17-12-2019

Heard learned counsel for the petitioners and learned
APP for the State.

The instant petition, under Section 482 of the Code of Criminal Procedure, 1973, has been filed for quashing the order dated 16.07.2018, passed by learned Chief Judicial Magistrate, Darbhanga, in Sadar P.S. Case No. 200 of 2017, by which the learned Magistrate has taken cognizance against the petitioners for the offence under Sections 323, 341, 324, 307, 447 and 504/34 of the Indian Penal Code.

Petitioners' counsel, referring to the decision of the



Apex Court in the case of **State of Haryana & Ors. vs. Bhajan Lal & Ors. reported in 1992 Supp (1) SCC 335**, submits that instant prosecution which is vexatious and based on personal grudge to settle the civil scores is required to be interfered with and order taking cognizance dated 16.07.2018 is fit to be quashed.

The First Information report discloses clear and very specific allegations against all the three petitioners of indulging in assault by various means. At the stage of taking of cognizance, Court is required only to see whether the ingredients of offence, as alleged, are made out for the purposes of taking cognizance. The Court below, therefore, in the opinion of the Court, has rightly taken the cognizance of the offence. The submissions made on behalf of the petitioners is that they have been implicated due to extraneous consideration and that the allegation, as made out in the First Information report, has never taken place, are issues which can be raised by the petitioners before the Court concerned at the appropriate stage, in accordance with law.

The application stands dismissed.



It is only observed that if the issues are raised by the petitioners, then the Court below would be obliged to consider the same in accordance with law.

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	
CAV DATE	
Uploading Date	19.12.2019
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