

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.78878 of 2019**

Arising Out of PS. Case No.-975 Year-2017 Thana- AHIYAPUR District- Muzaffarpur

Sunil Shahi @ Sunil Kumar Shahi, Son of Ram Lakshan Shahi, Resident of  
Village - Shahbajpur, P.S.- Ahiyapur, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar @ S.K., Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

2      03-12-2019                      This application has been filed for quashing of the order taking cognizance dated 09.07.2019 passed by the learned Chief Judicial Magistrate, Muzaffarpur in Trial No. 140 of 2019, arising out of Ahiyapur P. S. Case No. 975 of 2017, by which, he has taken cognizance under Sections 341, 504, 34 of IPC.

The ground for quashing is that earlier to the lodging of the present complaint, petitioner has filed an application against the informant before the Right to Information Act, 2005 and also made complaint to the other authorities, as such, in order to settle the vengeance, present application has been file. It has also been submitted that part of the allegation has not been found true against the petitioner and the cognizance has already been taken against him under Sections 341, 504, 34 of IPC and as such, contention of process of the court is an abuse of the process of the Court.



On the other hand, learned APP has opposed the prayer for quashing of the order taking cognizance, and submitted that cognizance has been taken on the basis of *prima facie* materials against the petitioner and this is not the stage to look into the defence of the petitioner and as such, this application is devoid of any merit.

Having heard both sides and perused the materials available on record, it appears that *prima facie* there is allegation against the petitioners, so for submission, that the present case has been filed in order to settle the dispute is concerned, to my opinion, this is not the stage to consider the same, as such, there is no merit in this application.

Accordingly, this application is dismissed.

**(Vinod Kumar Sinha, J)**

Sunil Shukla/-

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