

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10969 of 2021

Arising Out of PS. Case No.-351 Year-2011 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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1. Rani Gupta, aged about 45 years, female, W/o Madan Prasad Gupta Resident of Mohalla- Nawab Road Chandwara, P.S.- Town, District- Muzaffarpur.
 2. Madan Prasad Gupta S/o Late Gopal Prasad Resident of Mohalla- Nawab Road Chandwara, P.S.- Town, District- Muzaffarpur.
 3. Manish Kumar, aged about 22 years, male, Son of Madan Prasad Gupta Resident of Mohalla- Nawab Road Chandwara, P.S.- Town, District- Muzaffarpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Raju Kumar, Adv.

For the Opposite Party : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 28-04-2022 Heard learned counsel for the petitioners and learned
counsel for the State.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

The instant petition, under section 482 of the Code of Criminal Procedure, 1973 (for short ' the Code') has been filed for quashing the order dated 03-12-2012 passed by learned Judicial Magistrate 1st Class, Civil Court, Muzaffarpur (East), in connection with Trial No. 9/17 arising out of Town PS Case No. 351 of 2011 whereby learned Magistrate has took



cognizance against the petitioners under Sections 341, 323, 324 and 307/34 of the Indian Penal Code.

There is an allegation in the First Information Report that petitioner No.1(wife), petitioner No.2 (husband) and petitioner No.3(son) variously armed have assaulted the prosecution party.

Petitioners' counsel submits that from the allegation itself it is obvious that parties are relatives. There is subsisting property dispute and it is a case of false implication.

The submissions have been considered by this Court. But, this Court, would observe that such submissions based on denial of the allegations are not submissions required to be considered by this Court under jurisdiction of Section 482 of the Code. The petitioners have not made out any case for interference with the order taking cognizance within the settled law with regard to exercise of jurisdiction under Section 482 of the code. The factual denials/ disputes raised by the petitioners are to be looked into at the appropriate stage.

The application is dismissed

(Madhuresh Prasad, J)

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