

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54648 of 2021

Arising Out of PS. Case No.-292 Year-2012 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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1. Ajit Kumar Thakur Son of Late Shyam Nandan Thakur Resident of Village - Kurmi Tola, Ezazi Marg, P.S.- Town, District - Muzaffarpur
 2. Mamta Thakur Wife of Ajit Kumar Thakur Resident of Village - Kurmi Tola, Ezazi Marg, P.S.- Town, District - Muzaffarpur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Advocate

For the Opposite Party/s : Mr.Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 26-04-2022 Heard counsel for the parties.

The petitioners have challenged the order dated 1.1.2017/2.1.2017 passed in Trial No. 1211 of 2020 arising out of Muzaffarpur Town P.S. Case No. 292 of 2012 by which the learned Chief Judicial Magistrate, Muzaffarpur has taken cognizance under sections 341, 323 and 504/34 of the Indian Penal Code.

The FIR was filed on 7.6.2012 and the informant Reeta Thakur alleged that her brother (the petitioner no.1 and sister-in-law, petitioner no.2) assaulted her inasmuch as the petitioner no.1 assaulted with 'iron rod' on her head, as a result whereof, she got injury on her head. The FIR was filed from hospital bed.

Subsequently, the police investigated the matter and submitted charge-sheet on 31.8.2016 finding the case to be true



against both the petitioners. The court below thereafter, perused the material on record as also charge-sheet submitted by the police on 1.1.2017/2.1.2017 and cognizance was taken in the matter under sections 341, 323 and 504/34 of the Indian Penal Code.

The order was passed by the learned court below on 1.1.2017/2.1.2017. After four years, the petitioners have moved this Court under Section 482 of the Code of Criminal Procedure for quashing of the said order on the ground that the order has been passed without application of mind as it was barred under section 468 of the Cr.P.C.

The petitioners have challenged the order that was passed in 2017 i.e. on 1.1.2017/2.1.2017 after four long years on 3.8.2021.

The quashing application is dismissed on the sole ground of delay and laches on the part of the petitioners.

(Rajiv Roy, J)

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