

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9003 of 2014

Arising Out of PS. Case No.-89 Year-2010 Thana- RAMKRISHNANAGAR District- Patna

1. Dharmendra Singh, son of Shri Tarkeshwar Singh
2. Neelima Kumari W/O Shri Dharmendra Singh.
Both R/O Village + P.O.- Rasalpura, P.S.- Doriganj, District -
Chapra, Presently Residing At T.R. Bright Iti / C. Khemnichak, New By -
Pass Road, Patna, District - Patna

... .. Petitioners

Versus

1. State of Bihar
2. Ramanand Rai, S/O Late Madho Rai, Resident of Village - Jaganpura, P.S.-
Ram Krishna Nager, District-Patna

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

12 14-02-2023

Heard the parties.

This application has been filed for quashing the order dated 03.07.2012 passed by learned Judicial Magistrate, 1st Class, Patna, by which the process have been directed to be issued after taking cognizance against the petitioners for the offences under Sections 419, 420, 467, 468, 471 & 120-B/34 of the Indian Penal Code in connection with Ramkrishna Nagar P.S. Case No. 89 of 2010.

Learned counsel for the petitioner submits that the allegation made in the F.I.R. is false and fabricated in view of the fact that a registered sale deed was executed by the prosecution side and now they are denying the sale deed.



Learned counsel for the State and learned counsel for the opposite party no.2 have submitted that cognizance order cannot be interfered with at this stage because the police after investigation has submitted chargesheet and found the allegations true and in such circumstance, this quashing petition is fit to be dismissed.

Having heard the parties, this Court is not inclined to interfere with the impugned order as this Court cannot hold a mini trial on the basis of the materials available on record.

This case is permitted to be withdrawn with a liberty to the petitioners to raise all the grounds at the time of framing of charge, if the charge has not already framed.

Disposal of this application, at this stage, will not mean that this Court has applied its mind to the merit of this Court. At the time of framing of charge, the Court below will not be prejudiced with the fact of filing of present application before this Court and withdrawal of the same.

With the aforesaid observations and directions, this quashing petition stands dismissed as withdrawn.

(Sandeep Kumar, J)

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