

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44308 of 2015

Arising Out of PS. Case No.-1681 Year-2015 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Basant Kumar son of Rama Kant Kumar, Resident of village- Bharoul, P.S.-
Bachhwara, District- Begusarai

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sujata Kumari D/o Sri Ram Bilash Singh
3. Ashutosh Kumar
4. Santosh Kumar Both S/o Sri Ram Bilash Singh
5. Pawan Devi wife of Sri Ram Bilash Singh All resident of village- Masadpur,
P.S. Barauni, District- Begusarai

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Randhir Kumar No-1, Advocate
For the Opposite Party/s : Mr.Sanjay Kr. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-03-2023 Heard learned counsel for the petitioner and the

State.

The present petition has been preferred for quashing
of the order dated 17.06.2015 in Complaint Case No. 1681 of
2015 passed by learned J.M. Ist Class, Begusarai whereby and
whereunder the learned Court below took cognizance for the
offences under Sections 417 and 465 of the Indian Penal Code
against the accused persons (opposite parties) without consisting
the material available on record on the basis of which a *prima*
facie case under Sections 120 B, 406, 420, 467, 468, 471, 474



and 34 of the Indian Penal Code is also made out.

As per the prosecution story, the petitioner has lodged case amongst other against his own wife and her family members alleging therein that in Divorce Case No. 160 of 2013, he was to pay for the medical treatment of his wife.

It is alleged that the bills/travel tickets that were produced before the Court, upon enquiry, under RTI from the railways, it was found that there is no seat under '*tatkal*' scheme from Barauni to New Delhi in Rajdhani Express and accordingly, the petitioner felt cheated followed by the present case.

The learned Court below took up the matter on 17.06.2015 and *prima facie* found that cognizance can be taken under Sections 417 and 465 of the Indian Penal Code and accordingly summons issued to the accused persons.

Learned counsel for the petitioner submits that beside Sections 417 and 465 of the Indian Penal Code, additionally Section 420 of the Indian Penal Code should also have been incorporated and as the Court concerned failed to do so, the present petition has been lodged.

This Court has gone through the content of the allegation and the order dated 17.06.2015 passed by learned



Judicial Magistrate Ist Class, Begusarai.

Section 417 of the Indian Penal Code read as follows:

“Punishment for cheating- Whoever cheats shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.”

Further Section 465 of the Indian Penal Code read as follows:

“Punishment for forgery- Whoever commits forgery shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.”

The conjoint reading of the aforesaid two Sections of the I.P.C. vis a vis the allegation, in the considered view of this Court, the learned Court has rightly taken cognizance in the matter under the aforesaid two sections of the I.P.C. only.

No case for interference is made out.

The petition accordingly stands disposed of.

(Rajiv Roy, J)

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