

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.419 of 2023

Arising Out of PS. Case No.-404 Year-2018 Thana- PATRAKARNAGAR District- Patna

SANTOSH KUMAR Son of Mr Jamuna Prasad Permanent Resident of
Village- Parasdiha, P.O.-Parasdiha, P.S.- Nagarnausa, District- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Asha Kumari Wife of Sri Gore Lal Paswan Resident of Road No.-3, Kali
Mandir Road, Sanjay Gandhi Nagar Hanuman Nagar, P.S.- Patrakarnagar,
Patna-800020

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shola Sandhwar
For the Opposite Party/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 31-07-2023 Heard learned counsel for the parties.

2. This application is filed for quashing of the F.I.R.
vide Patrakarnagar Police Case No. 404/2018 registered for the
offence under Sections 420, 406, 504, 506 of the Indian Penal
Code and Sections 3(2) (Va) & ST Act and Section 138 of the
Negotiable Instruction Act.

3. The only ground for quashing of the F.I.R. which
has been raised by learned counsel for the petitioner is that no
F.I.R. is maintainable for prosecuting a person under Section
138 of the Negotiable Instrument Act and he further submits that
on going trial is illegal. At this stage, it cannot be considered by
this Court.



4. This application is disposed of with an observation that at the time of final hearing in the trial the petitioner has liberty to raise all the grounds and if such argument is advanced the trial court is duty bound to consider the same in its final judgment.

(Sandeep Kumar, J)

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