

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28105 of 2023

Arising Out of PS. Case No.-72 Year-2022 Thana- SAHEBGANJ District- Muzaffarpur

LUV KUMAR SINGH @ LAV KUMAR SINGH Son of Rama Singh R/o
Village - Beiriya, P.S.- Sahebganj and District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Ram Anurag Singh

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

9 12-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. This application has been filed for quashing the order dated 10.02.2023 passed in Sessions Trial No. 613/2022 by the learned 20th Additional Sessions Judge, Muzaffarpur by which the application for discharge dated 10.02.2023, filed on behalf of the petitioner arising out of Sahebganj P.S. Case No. 72/2022 has been rejected.

3. Learned counsel for the petitioner has submitted that the petitioner is innocent and have falsely been implicated in this case. There is general and omnibus allegation against the petitioner. There is a case and counter case between the parties. The petitioner has been arrested from his house by the police on



very next day of the alleged occurrence i.e., on 04.03.2022. Learned counsel has submitted that not a single empty cartridge was recovered from the place of the occurrence and after 27 days of the alleged occurrence, the father of the informant has produced two 8mm empty cartridges, Two live 38 bore cartridges, two live 12 bore cartridges, two empty 12 bore cartridges.

4. Learned A.P.P. for the state have vehemently opposed the quashing application and relied on the judgment of the Hon'ble **Supreme Court in State of Haryana v. Bhajan Lal (1992 Supp (1) SCC 335)** wherein it was held that quashing of proceedings is not warranted in cases involving factual disputes and when there is prima facie material to proceed with the trial. In the present case, the framing of charges as well as examination of witness indicates that the trial court has found sufficient material to proceed against the accused.

5. Upon perusal of the records and considering the submissions of learned counsel for both parties, this court is of the view that It is a settled principle of law that the inherent powers under Section 482 CrPC should be exercised sparingly and with caution, particularly where the trial has progressed to a



significant stage. Notably, in the present case charge has already been framed and the witnesses have already been examined. This Court is of the view that interference at this stage would be premature and would amount to interfering with the due process of law.

6. Accordingly, this quashing application is disposed of.

(Chandra Prakash Singh, J)

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