

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60362 of 2023

Arising Out of PS. Case No.-750 Year-2018 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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1. Md. Mokhtar Ahmad @ Mukhtar Ahamd S/O Late Haji Ali Ahmad Resident Of Village - Saharsa Near Jagdamba Petrol Pump, Ward No. 38, P.O. - Saharsa, P.S. - Nagar, Distt. - Saharsa
 2. Nadara Khatoon @ Nadra Khatoon Wife Of Md. Mokhtar Ahmad @ Mukhtar Ahmad Resident Of Village - Saharsa Near Jagdamba Petrol Pump, Ward No. 38, P.O. - Saharsa, P.S. - Nagar, Distt. - Saharsa
 3. Md. Abujar Ahmad Son Of Md. Mokhtar Ahmad Resident Of Village - Saharsa Near Jagdamba Petrol Pump, Ward No. 38, P.O. - Saharsa, P.S. - Nagar, Distt. - Saharsa
 4. Owaish Ahmad @ Owais Son Of Md. Mokhtar Ahmad Resident Of Village - Saharsa Near Jagdamba Petrol Pump, Ward No. 38, P.O. - Saharsa, P.S. - Nagar, Distt. - Saharsa
 5. Md. Neshar Ahmad @ Nisar Ahmad Son Of Md. Mokhtar Ahmad Resident Of Village - Saharsa Near Jagdamba Petrol Pump, Ward No. 38, P.O. - Saharsa, P.S. - Nagar, Distt. - Saharsa

... .. Petitioners

Versus

1. The State of Bihar
2. Tohfa Parveen D/o Md. Mozzam R/o vill - Khatopur, ward no. 44, P.S. - Muffasil (Lakho O.P.), Distt. - Begusarai

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr.Tanweer Ahmad Mr. Surinder Kumar
For the Opposite Party/s :		Mr.Dr.Mrityunjaya Kr.Gautam
For the O.P. NO. 2	:	Sandip Kumar Gautam

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 05-12-2024 Heard learned counsel for the petitioners, learned
counsel for the O.P. No. 2 and learned A.P.P. for the State.

2. This application has been filed for quashing the
order dated 12.07.2023 passed by the learned Additional
Sessions Judge-IV, Begusarai in connection with Muffasil P.S.



Case No. 750/2018 wherein the petitioners have filed a petition under Section 239 of the Cr.P.C.

3. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. There is general and omnibus allegation against the petitioners. The petitioner no. 1 is father-in-law, the petitioner no. 2 is mother-in-law and the petitioner nos. 3, 4 and 5 are devar of the informant. The petitioners neither demanded any dowry nor tortured the informant.

4. Learned counsel for the Opposite Party No.2 and 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 one 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 one witness has 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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