

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27638 of 2015**

Arising Out of PS. Case No.-236 Year-2013 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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1. Krishna Nandan Singh and Ors son of late Ramsnehi Singh
 2. Rekha Devi wife of Krishnandan Singh
 3. Nikhil kumar son of Krishnanandan Singh
 4. Appu Singh son of Gagendra singh
 5. Tuntun Singh Son of late Govind Singh All Resident of Mohalla- balughat, Ps. Muzaffarpur town District Muzaffarpur.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Om Prakash son of late Arjun Dass Resident of Mohalla- Yogendra Mukherjee road Chhoti Saraiyaganj, P.s Muzaffarpur town, District Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioners : Mr. Nirmal Kumar Sinha, Adv.
For the Opposite Party/s : Mr. Binod Kumar No.3, APP

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

4 09-01-2025 Heard Mr. Nirmal Kumar Sinha, learned counsel for the petitioners and Mr. Binod Kumar No.3, learned APP for the State.

2. The instant petition has been filed under section 482 of the Code of Criminal Procedure (in short Cr.P.C.) with a prayer to quash the order dated 04.04.2015 passed by learned Chief Judicial Magistrate, Muzaffarpur in connection with Muzaffarpur Town P.S. Case No. 236 of 2013 by which cognizance of the offences punishable under section(s) 341,



323, 384, 379 and 504 of the IPC has been taken.

3. The main grounds taken by the petitioners' counsel to assail the order impugned are that after completion of the investigation the police found the allegations levelled by the complainant in his complaint to be false and in this regard, the conclusion made by the I.O. as well as opinion given by the S.P. in his supervision note is relevant and secondly, the complainant was admittedly a tenant in the house of petitioner No.1 and there was some dispute with regard to payment of rent due to which, with *malafide* intention, he filed his complaint and during the investigation most of the witnesses upon whom learned Magistrate placed reliance while taking cognizance supported the allegations mainly on account of they being relatives of the complainant and none of them is an independent person.

4. On the contrary, learned APP for the State has argued that the order impugned is well founded with regard to the conclusion made by the learned Magistrate while taking cognizance as in the said order he referred several paragraphs of case diary containing the statements of the witnesses and from the perusal of the same it is evident that all the said witnesses have fully supported the allegations levelled by the complainant



which are relevant for the alleged offences of which cognizance has been taken.

5. Heard both the sides and perused the order impugned as well as FIR which is based on the complaint and the case diary relating to Muzaffarpur Town PS case No. 236 of 2013 and this court finds substance in the submission made by the learned APP, though, there was a relationship of tenant and landlord in between the complainant and the petitioners but merely due to this reason the allegations levelled in the complaint, which have been supported by the witnesses during the investigation, details of which has been mentioned in several paragraphs of the case diary, cited in the impugned order, cannot be disbelieved and there is sufficient prima facie material to attract the alleged offences. Accordingly, this court finds no merit in this petition, so, it stands dismissed.

(Shailendra Singh, J)

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