

(2020) 01 PAT CK 0213

In the Patna High Court

Case No : Criminal Miscellaneous No. 1423 Of 2020

Raju Kumar @ Raju Das And Anr

APPELLANT

Vs

State Of Bihar And Anr

RESPONDENT

Date of Decision : 14-01-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 156(3), 204, 482

Indian Penal Code, 1860 — Section 34, 323, 341, 354(A), 379, 427

Citation : (2020) 01 PAT CK 0213

Hon'ble Judges : Rajendra Kumar Mishra, J

Bench : Single Bench

Advocate : Mazharul Hassan, Jharkhandi Upadhyay

Final Decision : Dismissed

Judgement

1. Heard learned counsel for the petitioners and the learned Additional Public Prosecutor for the State.

2. This application, under Section 482 of the Code of Criminal Procedure, has been filed on behalf of the petitioners to quash the order dated 10.07.2019 passed in Complaint Case No.642 of 2018 by the court of Sri Sankesh Chandra, Additional Chief Judicial Magistrate-XIII, Muzaffarpur (East), summoning the petitioners, on inquiry under Section 204 of the Code of Criminal Procedure, finding prima facie case against them for the offence under Sections 323, 341, 379 and 427/34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that, in fact, due to lodging of Muzaffarpur (Sadar) P.S. Case No.200 of 2015 by Anamika Ranjan, the daughter of the petitioner no.1, for the offence under Section 354(A) of the Indian Penal Code on 18.04.2015 against the son of the opposite party no.2 and others, the opposite party no.2, as a counter blast, lodged Complaint Case No.964 of 2015 in the court of the Chief Judicial Magistrate, Muzaffarpur, which was sent under Section 156(3) of the Code of Criminal Procedure to the concerned police station

for investigation and institution of the case and, accordingly, Muzaffarpur (Sadar) Police Station Case No.472 of 2016 was instituted against the petitioners and others in which the police submitted the final form but the protest petition of the opposite party no.2 filed in the aforesaid case was treated as Complaint Case No.642 of 2018 in which the petitioners have been summoned through the impugned order illegally.

4. On going through the impugned order, I find no illegality therein amounting to an abuse of the process of the court for interference with the same in an extraordinary jurisdiction of this Court under Section 482 of the Code of Criminal Procedure.

5. Accordingly, this application stands dismissed. However, the petitioners would be at liberty to raise all the points, as raised herein, before the trial court at the appropriate stage.