

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21282 of 2012

Arising Out of PS.Case No. -0 Year- null Thana -null District- BHABHUA (KAIMUR)

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Shailendra Kumar son of Mahendra Prasad Mandal

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mahendra Prasad Kharwar son of Shri Shiv Prasad Kharwar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 25-08-2015

The petitioner seeks quashing of the order of cognizance date 19.11.2010 passed in Complaint Case No. 74 of 2010 by the Judicial Magistrate, Bhabua.

The case of the complainant is that the petitioner had demanded illegal gratification for certain work and also snatched away some money.

It has been submitted on behalf of the petitioner that it is the complainant himself who was seeking illegal favours from the petitioner and when stern action had been taken by him the present complaint was filed.

The complainant submits that since the petitioner had demanded illegal gratification he should be put on trial.

Having considered the background facts as also the nature of allegation, I would be inclined to hold that the present complaint is

an abuse of the process of the court and deserves to be set aside.
Hence the application is allowed and the order of cognizance date
19.11.2010 passed in Complaint Case No. 74 of 2010 by the Judicial
Magistrate, Bhabua is hereby set aside.

(Anjana Prakash, J)

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