

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46957 of 2012

Arising Out of PS.Case No. 3215 Year- 2006 Thana -null District- -

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1. Tuhinanshu Kumar Poddar S/O Tarun Kumar Poddar Of 3C Debalaya Apartment, Bari Path, P.S- Pirbahore, Distt- Patna
 2. Bal Krishna Prasad S/O Late Mathura Prasad Of Kali Ashthan Road, P.S- Sultanganj, Distt- Patna
 3. Amar Nath Singh S/O Late Radha Ballabh Singh Of Nala Road, Near Kazipur, P.S- Kadamkuan, Distt- Patna.
 4. Lakshmi Narayan Roy S/O Late Jhareshwar Roy Of GD 91, Salt Lake City Sector-III, P.S. Bidhan Nagar South, Kolkatta.
 5. Sukumar Poddar S/O Late Khetra Mohan Poddar Of 5A, Ganga Bridge Colony, Nooranibagh, P.S- Alamganj, Distt- Patna
 6. Premomay Das S/O Late Provat Chandra Das, Of P-288, C.I.T. Road, Customer-IV, P.S. Baliaghata, Kolkatta.
 7. Pramod Kumar Vidyarthi S/O Late Diwakar Prasad Vidyarthi Of 24B, Road No.3, Rajendra Nagar, P.S- Kadamkuan, Distt- Patna.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Dr. Sukrit Saha S/O Dr Saroj Coomar Saha R/O- Ram Mohan Roy Seminary, Khajanchi Road, P.S-Pirbahore, Distt- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Sinha, Advocate
For the Opposite Party/s : Ms. Madhuri Lata, APP
For Opposite Party No.2 : Mr. Basant Kumar Tripathi, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 17-08-2015

The Petitioners seek quashing of the order of charge dated 3.10.2012 passed by the court of Sri Santosh Kumar, Judicial Magistrate, 1st class, Patna in Complaint case No.3215C of 2006.

The case of the Complainant is that he was the Principal of a certain School but the accused persons illegally declared themselves as Principal Incharge of the said School and broke open

the lock of the Chamber and started managing the affairs, despite the fact that status quo had been granted by the Civil Court, Kolkata.

The submission of the Petitioners is that even conceding the allegations in the Complaint Petition, at best it appears to be a dispute over management of the School and the rest of the allegations with regard to assault, etc are nothing but embellishment.

On the other hand, the Counsel for the Complainant submits that since the Petitioners had acted in a highhanded manner and misused their so-called authority by creating false documents, they should be put on trial.

Having considered the nature of allegations in the Complaint Petition, I have no manner of doubt that no criminal offence is made out and hence the application is allowed and the proceeding including the order of charge dated 3.10.2012 passed by the court of Sri Santosh Kumar, Judicial Magistrate, 1st class, Patna in Complaint case No.3215C of 2006 is hereby set aside.

However, this order shall not prejudice any party in any manner.

(Anjana Prakash, J)

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