

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17549 of 2013

Arising Out of PS.Case No. -1429 Year- 2009 Thana -SIWAN COMPLAINT CASE District-
SIWAN

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1. Ram Narain Sah S/O Sri Ram Ashish Sah, Sub-Inspector Posted At P.S.-
Asawn, Distt.- Siwan

.... Petitioner/s

Versus

1. The State Of Bihar
2. Urmila Devi W/O Ram Bhagat Resident Of Village- Mania, P.S.- Asawn,
Distt.- Siwan

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate

For the Opposite Party/s : Mr. J.K.Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 30-07-2015 Heard learned counsel for the petitioner and learned APP
for the State.

2. The present petition has been filed for quashing the
order dated 14.10.2009 passed by Sri Hare Ram, learned Judicial
Magistrate Ist Class, Siwan in connection with Complaint Case No.
1429(c) of 2009, Tr. No. 1305 of 2009 for the offences under Sections
323, 447 and 427 of the Indian Penal Code.

3. It is submitted that the petitioner is the Investigating
Officer of Asaon P.S. Case No.15 of 2009 dated 23.06.2009 and the
present case has been filed in retaliation as the complainant is none
other than the wife of accused no. 6 in the said FIR. In similar
circumstances, another complaint filed at the instance of one Paras
Bhagat being the accused no. 7 in the said FIR has been quashed by this
Court in Cr. Misc. No. 34804 of 2012.

4. Learned counsel for the OP No. 2 appears and opposes the petition on the grounds that this Court ought not to be interfered at the stage of cognizance when a prima facie case has been found by the learned Magistrate.

5. Having heard the parties and considered the materials on record, this Court finds sufficient merit in the submissions on behalf of the petitioner, the present case is also related to the occurrence of 23.06.2009 as also the case in the complaint filed at the instance of Paras Bhagat, accused no. 7.

6. In the above view of the matter, the impugned order dated 14.10.2009 passed by Sri Hare Ram, learned Judicial Magistrate Ist Class, Siwan in connection with Complaint Case No. 1429(c) of 2009, Tr. No. 1305 of 2009 is hereby quashed.

7. The petition stands allowed.

(Vikash Jain, J)

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