

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5128 of 2010

Arising Out of PS.Case No. 76 Year- 2007 Thana -null District- WESTCHAMPARAN(BETTIAH)

1. Sheikh Basir @ Basir @ Sheikh Ojib S/O Late Saifullah R/O Vill.- Nautanwa,
P.S.- Shikarpur, Distt.- West Champaran

.... Petitioner/s

Versus

1. The State Of Bihar
2. Ramchandra Sah, son of late Bipat Sah, resident of village Nautarwa, P.S.
Bhikarpur, District West Champaran

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the State : Mr. G. Pd. Gupta, APP

For Opposite Party No.2 : Mr. Satyabrat Verma, Advocate

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 11-09-2015

The Petitioner seeks quashing of the order of cognizance dated 8.1.2010 passed by the court of Shri P.C. Verma, Judicial Magistrate, 1st class, Bettiah, West Champaran in Trial No.2697 of 2010 arising out of Complaint case No.76C of 2007.

The peculiar facts of the case are that initially the Complainant had filed a case of kidnapping of his daughter-in-law. Later on she appeared and gave statement under Section 164 Cr.P.C. stating therein that she had not been kidnapped. Then final report was submitted with a recommendation that the Informant be proceeded against under the provisions of Section 182 and 211 I.P.C. It was to screen himself from the vagaries of such prosecution the present

Complaint was filed once again with the same charges and also arraying the victim daughter-in-law as one of the accused.

It has been submitted on behalf of the Petitioner that evidently in the facts of the case the present Complaint is absurd and deserves to be set aside.

On the other hand, the Counsel for the Complainant submits that since the ingredients of criminal offence are made out in the fact of the Complaint Petition, the Petitioner should be put on trial.

Having considered the background of the case I have no manner of doubt in holding that the present Complaint is a gross abuse of the process of the Court and deserves to be set aside. Hence, the application is allowed and the proceeding including the order of cognizance dated 8.1.2010 passed by the court of Shri P.C. Verma, Judicial Magistrate, 1st class, Bettiah, West Champaran in Trial No.2697 of 2010 arising out of Complaint case No.76C of 2007 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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