

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.11646 of 2013

Arising Out of Complaint Case No. -2706 Year- 2011 Thana -MUZFFARPUR COMPLAINT CASE
District- -

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1. Meena Kumari @ Juhi W/O Raj Kapur Das R/O Vill-Hussaina, P.S.Garaul,
Distt-Vaishali, At Present Mahendru Shah Ganj, P.S.Mahendru, Distt-Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. Bhikari Das S/O Late Shivdayal Das R/O Vill-Shahbagpur, P.S.Ahiyapur, Distt-
Muzaffarpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. S. Jamil Akhtar, Adv.

For the State : Mr. R.B. Roy 'Raman', A.P.P.

For the Opposite Party No. 2 P: Mr. N. Jha, Adv.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 01-09-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order of cognizance
dated 23.3.2012 passed by the Judicial Magistrate, 1st Class,
Muzaffarpur, in Complaint case No. 2706 of 2011.

The case of the Complainant is that the Petitioner had
borrowed a sum of Rs.50,000/- as a short term loan as also a Mobile
phones, but she failed to return the same.

It has been submitted on behalf of the Petitioner that the
entire allegation is false inasmuch as the allegations are merely oral in
nature. In fact, the Complainant is accustomed to filing such frivolous
cases and earlier he had filed Complaint Case No. 3039 of 2011 and

Complaint Case No. 88 of 2012 with frivolous allegations. Even accepting the Prosecution allegations, no Criminal offence is made out.

On the other hand, the counsel for the Complainant submits that since the Petitioner had refused to return his money, she should be put on Trial.

Having considered the facts of the Complaint petition and its frivolous nature, I would be inclined to hold that the continuance of the present Prosecution is a gross abuse of the Process of the Court.

Hence, the application is allowed and the Proceeding including the order of cognizance dated 23.3.2012 passed by the Judicial Magistrate, 1st Class, Muzaffarpur, in Complaint case No. 2706 of 2011, so far as the Petitioner is concerned, is hereby set aside.

(Anjana Prakash, J)

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