

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39534 of 2011

Arising Out of PS.Case No. -6 Year- 2010 Thana -Jhanjharpur District- MADHEPURA

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1. Shiv Chandra Jha Son of Dev Chandra Jha
 2. Sharat Chandra Jha Son of Dev Chandra Jha
 3. Anand Chandra Jha son of Dev Chandra Jha
 4. Kameshwar Mandal son of Jholi Mandal
 5. Ram Sewak Mandal son of Bhullak Mandal
 6. Mohan Kumar Jha son of Indra Kant Jha
 7. Ganga Prasad Mandal son of Laxman Mandal
 8. Ayodha Nath Jha son of Manmohan Jha
 9. Prabhakar Jha son of Ayodha Nath Jha
 10. Santosh Jha son of Kuar Jha
 11. Bechan Jha son of Digamber Jha
 12. Kunal Chandra Jha son of Sarat Chandra Jha
 13. Nutan Jha wife of Shiv Chandra Jha
 14. Ram Krishna Jha son of Devi Krishna
 15. Amod Jha son of Yugeshwar Jha
 16. Pramod Jha son of Kantir Jha
 17. Satya Narayan Mishra son of Jeewach Mishra
 18. Subhash Chandra Jha son of Mahendra Jha
 19. Prem Narayan Jha son of Devendra Jha
 20. Anand Kumar Jha son of Manthu Jha
 21. Roshan Kumar Jha son of Nirbhay Jha
 22. Bharosi Rai son of Sanchit Rai
 23. Sanjeev Kumar Jha son of Sita Ram Jha
 24. Parmeshwar Rai son of Bharosi Rai
 25. Rajesh Jha son of Hare Krishna Jha
 26. Vinay Jha son of Sitaram Jha
 27. Ram Narayan Jha son of Utim Lal Jha
 28. Ajay Narayan Jha son of Subh Narayan Jha
 29. Nilamber Jha S/o Batuk Nath Jha, all resident of village Ganauli, P.S. Anharathari, District Madhubani

.... Petitioner/s

Versus

1. The State of Bihar
2. Islam Sah son of Manir Sah, resident of village Pastan, P.S. Anharathari, District Madhubani

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amish Kumar, Advocate

For Opposite Party No.2 : None

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 10-02-2015

No one appears on behalf of the Opposite Party No.2 on repeated dates.

The Petitioners seek quashing of the order of cognizance dated 1.8.2011 passed by the court of Sri D.K. Tiwari, J.M. 1st class, Jhanjharpur, Madhubani in Complaint case No.6 of 2010 (Trial No.822 of 2011).

The case of the Complainant is that on the occasion of Muharram when it was decided that Tajia would be performed near a certain area, a group of accused persons obstructed and assaulted him.

It has been submitted on behalf of the Petitioners that fact of the matter is that the District Administration had instituted Anharathari P.S. case No.99 of 2009 against the Complainant and others on 28.12.2009 for having committed public nuisance on such occasion. It is in retaliation that the present Complaint was filed by the Complainant.

Having gone through the Complaint Petition and the nature of allegations as well as the version in the First Information Report instituted by the District Administration in regard to the occurrence, I would be inclined to hold that the present Complaint filed belatedly is nothing but an 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 1.8.2011 passed by the court of Sri D.K. Tiwari, J.M. 1st class, Jhanjharpur, Madhubani in Complaint case No.6 of 2010 (Trial No.822 of 2011) is hereby set aside.

However, the quashment of the present proceeding shall have no bearing on the counter version.

(Anjana Prakash, J)

Narendra/-

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