

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 13564 of 2010

Arising Out of PS.Case No. -0 Year- null Thana -null District- MUZAFFARPUR

Dr.Rajdeo Singh @ Rajdeo Singh S/O Late Kuwar Singh R/O Vill & P.O: Sarwar,
P.S- Barauli, Distt- Siwan, At Present Working As The Vice- Chancellor, B.R.A.
Bihar University, Muzaffarpur.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Dr. (Prof) Muneshwar Singh S/O Late Dev Swarup Singh The President Buta,
Muzaffarpur R/O Vill- Sher Bijulia, P.S- Biraul, Distt- Darbhanga, Presently
Working As Professor And Head Of The Department, Department Of Geography,
Nitishwar College, Club Road, P.S- Mithanpura, Distt- Muzaffarpur

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amaresh Kumar Sinha, Adv.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 28-09-2015

No one appears on behalf of either of the parties.

The petitioner seeks quashing of the order of cognizance dated
06.11.2009 passed by the Chief Judicial Magistrate, Muzaffarpur in
Complaint Case No. 1297C of 2008.

The case of the complainant is that he was the University
Teacher and on account of decision of the general body, some
teachers were holding a peaceful 'Dharna' in the premises of the
B.R.A Bihar University. At that time the petitioner came and started
using unparliamentarily language against the complainant. He
requested the petitioner to listen to the grievances of the teachers but
he became very angry and put a gun of the bodyguard to the neck of

the complainant and threatened him. The rest of the accused assaulted the complainant on account of which he fell down.

It is submitted on behalf of the petitioner that agitating teachers who were holding meeting in the senate hall entered the administrative building and damaged the tables and doors. The Registrar of the University made phone calls to the Officer-in-Charge for prevention of breach of peace and for taking suitable action. It is then that the present complaint was filed to save himself from their action. Earlier also he had filed a frivolous case bearing University Case No. 13 of 2007 on more or less similar charges which on investigation was found to be false and hence final report was submitted. Now he has filed the present complaint with malicious intention.

Having gone through the facts of the complaint petition, I would be inclined to hold that the continuance of the present proceeding would be gross abuse of the process of the Court. Hence the application is allowed and the order of cognizance dated 06.11.2009 passed by the Chief Judicial Magistrate, Muzaffarpur in Complaint Case No. 1297C of 2008 is hereby set aside.

(Anjana Prakash, J)

Prakash/-

U		T	
---	--	---	--