

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 39717 of 2011

=====

Shankar Mandal S/o

.... Petitioner/s

Versus

The State of Bihar & Anr

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Harish Kumar, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar 2, App

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

6 24-04-2015

The petitioners seek quashing of the order of cognizance dated 23.02.2011 passed by the Judicial Magistrate 1st Class, Lakhisarai in Case No. 386C of 2010.

The case of the complainant is that on the date of occurrence while he was watering his field the accused persons variously armed came there and ruined his crops and also caught his collar and abused him and also snatched his money.

It has been submitted that after the first information report was instituted, on such allegations final form was submitted disbelieving the prosecution case. However, the complainant filed a protest petition which was treated as complaint and thereafter the matter proceeded. Further submission is that fact of the matter is that Petitioner no. 2 had earlier filed Medni Chowki P.S. Case No. 207 of 2004 against the O.P. No. 2 and his wife in which the accused were convicted and hence the present case was instituted

to pressurize the petitioners into compromising the matter as pressure tactics.

On the last occasion notices were issued to the O.P. No. 2 but despite receipt of notice by the grand daughter-in-law none appears on his behalf.

Having considered the background facts of the case, I would be inclined to hold that the present complaint is malicious in nature and deserves to be set aside. Hence the application is allowed and the order of cognizance dated 23.02.2011 passed by the Judicial Magistrate 1st Class, Lakhisarai in Case No. 386C of 2010, is hereby quashed.

(Anjana Prakash, J)

Prakash/-

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