

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 10811 of 2013

Arising out of P.S. Case No. -1533 Year- 2011 Thana -
COMPLAINT CASE District- -

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Uday Shanker Ojha S/o Rameshwar Pd. Sharma Resident of- Santi Niketan, Bikramganj, District- Rohtas, Presently Posted As Inspector In Charge R.P.F. Mokama.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Dilip Kumar Mathuri S/o Late Ramoutar Pd. Mathuri Resident of Village- Helagot, P.S.- Jha Jha, District- Jamui.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. P. Manbansh, Adv.

For the Opposite Party/s : Mr. Parmanand Prasad, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 13-07-2015

The Petitioner seeks quashing of the entire proceeding including the order of cognizance dated 02.03.2012 passed by the Judicial Magistrate, 1st Class, Jamui in Complaint Case No. 1533 C of 2011.

The case of the Complainant is that on the date of occurrence while he was traveling on train the accused persons threatened him on pistol-point and took away his articles.

It has been submitted on behalf of the Petitioner that fact of the matter is that the son of the Complainant was wanted in R.P.F. Case No. 07 of 2011 and the Petitioner being the R.P.F. Inspector In-charge registered the case. Also the Complainant was accused in some

cases as is evident from Annexure -5 and 8 of the Supplementary-Affidavit. It is in order to harass the Petitioner who was a Government official that the present false Complaint has been filed.

On the other hand, the Counsel for the Complainant submits that since the Petitioner has acted in a high-handed manner he should be put on trial.

Having considered the background facts and documents which are unimpeachable in nature, I would be inclined to hold that the present prosecution is a gross abuse of the process of the Court and deserves to be set aside.

Hence, the entire proceeding as against all the accused persons including the order of cognizance dated 02.03.2012 passed by the Judicial Magistrate, 1st Class, Jamui in Complaint Case No. 1533 of 2011 is, hereby, set aside.

The application stands allowed.

(Anjana Prakash, J.)

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