

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43302 of 2011

=====

Mahmood Alam son of Moinuddin Ansari Vill Samardah P.S. Shaharkola
Siwan

.... Petitioner/s

Versus

1. The State Of Bihar
2. Nikil Kumar Singh son of Sri Jainath Singh Vill Deokuli P.S
Mohammadpur Gopalganj Presently At Vill Sidhwalia P.S Mohammadpur
Gopalganj

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bishwajeet Singh

For the Opposite Party/s : Mr. Dr. M.K.Gautam (App)

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

9 03-02-2015 The petitioner seeks quashing of the order of

cognizance dated 23.08.2010/22.08.2010 passed by the Judicial

Magistrate, 1st Class, Gopalganj in Complaint Case No. 2547 of

2009, Tr. No. 975 of 2011.

The case of the complainant is that on the date of
occurrence when he and his younger brother had gone to the office
of BDO to make enquiries about his residence and income
certificates which contained false and wrong information he was
abused and ousted by the petitioner.

It has been submitted on behalf of the petitioner that in
the facts of the case itself it appears the allegations are blown out
of proportion on the grievance of the complainant with regard to
the wrong entries made in the certificate. On the other hand

counsel for the complainant submits that he being an advocate was unnecessarily humiliated by the petitioner who was a Government servant and therefore, he be put on trial.

Considering the facts of the case, I am inclined to hold that the present case is an exaggerated version of the incident for a minor grievance which may not have been favourably considered by the petitioner and hence deserves to be set aside.

Accordingly, the order dated 23.08.2010/22.08.2010 passed by the Judicial Magistrate, 1st Class, Gopalganj in Complaint Case No. 2547 of 2009, Tr. No. 975 of 2011 is hereby set aside.

The application stands allowed.

(Anjana Prakash, J)

Prakash/-

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