

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27261 of 2012

Arising Out of PS.Case No. -1235 Year- 2011 Thana -null District- JAMUI

Ashok Kumar Thakur, son of late Anirudh Thakur, r/o village Rangra, P.S. Gopalpur, Distt. Bhagalpur, at present Principal K.K.M. College, Jamui, P.S. & Distt. Jamui.

.... Petitioner/s

Versus

1. The State of Bihar
2. Brajesh Kumar Singh, son of Atma Nand Singh, r/o Mohalla Mahisari, Babutola, P.S. Distt. Jamui.

.... Opposite Party/s

Appearance :

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

For the State : Mr. C. Jawahar, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 30-03-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order of cognizance dated 2.6.2012 passed by the Judicial Magistrate, 1st Class, Jamui, in Complaint Case No. 1235 C of 2011 under Sections 323/504 of the Indian Penal Code.

The case of the Complainant is that he was donor of the land of K.K.M. College, Jamui, so, he went to the Principal i.e. the present Petitioner for admission of his family members on the quota of the land owner. However, the Petitioner refused saying that there was no quota for admission and, thereafter, demanded from him some money as quota development fund. When the Complainant showed him the application having been forwarded by the University, he

became angry and assaulted the Complainant.

It has been submitted on behalf of the Petitioner that evidently, in the facts of the case, the present Complaint with trumped up charges of assault and abuse is only to vent anger because the dependent of the Complainant was refused admission by the Petitioner against the norms.

On the other hand, the counsel for the Complainant submits that the allegations of abuse and assault are not ornamental so the Petitioner should be put on Trial.

Having considered the facts of the Complaint, I would be inclined to hold that the allegations in the Complaint are malicious and deserve to be set aside.

Hence, the application is allowed and the entire Proceeding including the order of cognizance dated 2.6.2012 passed by the Judicial Magistrate, 1st Class, Jamui, in Complaint Case No. 1235 C of 2011 under Sections 323/504 of the Indian Penal Code is hereby set aside.

(Anjana Prakash, J)

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