

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20394 of 2014

Arising Out of PS.Case No. -1141 Year- 2012 Thana -MUNGER COMPLAINT CASE District-
MUNGER

- =====
1. Naushia Ishrat @ Bibi Naushia Ishrat, W/o Md. Ali Ahmad,
 2. Taj Ishrat @ Bibi Ishrat @ Kamini, W/O Md. Asif Ansari, Both R/O Village - Ghazipur (Ibrahimpur), P.S. - Tarapur, District - Munger.

.... Petitioner/s

Versus

1. The State of Bihar,
2. Md. Intekhab Alam, S/O Abdul Wahid Ansari, R/O Village - Ghazipur Tola, Ibrahimpur, P.S. - Tarapur, District - Munger.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Md. Aslam Ansari, Advocate

For the Opposite Party/s : APP

Mr. Zeyaul Hoda, Advocate

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 21-05-2015

The Petitioners seek quashing of the order of cognizance dated 24.07.2013 passed by the Judicial Magistrate, 1st class, Munger, in Complaint Case No.1141 –C of 2012.

The case of the Complainant is that the accused persons variously armed came to his house and objected to obstruction of the road. They also committed theft of his household articles.

It has been submitted on behalf of the Petitioners that fact of the matter is that one Fauzia Ishrat had filed a case under Section 498-A Indian Penal Code against Md. Akeel Ahmad and other including the Informant of the present case. She happens to be

the sister of the Petitioner No.1 and daughter of Petitioner No.2. It is on account of this reason that the present frivolous Complaint has been filed.

On the other hand, counsel for the Complainant- Opposite Party No.2 submits that since the Petitioners had committed highhandedness, they should be put on trial.

Having considered the nature of allegation and the background facts, I am inclined to hold that the present Complaint Petition is malicious and deserves to be set aside.

Hence, the order of cognizance dated 24.07.2013 passed by the Judicial Magistrate, 1st class, Munger, in Complaint Case No.1141 –C of 2012, is hereby **set aside against all the accused persons.**

The application stands allowed.

(Anjana Prakash, J)

JA/-

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