

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41157 of 2011

Arising Out of PS.Case No. -0 Year- null Thana -null District- EASTCHAMPARAN(MOTIHARI)

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Anil Kumar Pandey S/O Shri Baldeo Prasad Pandey Permanent Resident Of 41-C/3, Shiv Kuti, Allahabad-4 (Uttar Pradesh)

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 04-05-2015

No one appears on behalf of the Opposite Party no. 2

It is submitted that the case has not been proceeded after the stage of cognizance.

The petitioner seeks quashing of the order dated 21.06.2011 passed by the Chief Judicial Magistrate Motihari, East Champaran in G.R. No. 155 of 2010 arising out of S.C. & S.T. Hajipur P.S. Case No. 306 of 2010.

The case of the informant is that in the general meeting of ward council in the office of Nagar Panchayat, Mehshi where the petitioner and the informant were ward members and participating in the same, the petitioner being the Executive Officer abused him by his caste name.

The submission of the petitioner is that the fact of the matter is that the informant in a drunkard state had come in the meeting and had created a ruckus and in order to save himself from any reproach, the present first information report has been instituted by him.

The case diary had been called for which has not been received as yet. However, the private diary was produced by the counsel for the petitioner which may be kept on record.

Learned APP on going through the case diary states that many witnesses supported the fact that the informant had indeed come in a drunkard state and created a scene and the petitioner was not culpable in any manner.

Having considered the aforesaid fact, the application is allowed and the order dated 21.06.2011 passed by the Chief Judicial Magistrate Motihari, East Champaran in G.R. No. 155 of 2010 arising out of S.C & S.T. Hajipur P.S. Case No. 306 of 2010, is hereby quashed.

(Anjana Prakash, J)

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