

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10498 of 2010

Arising Out of PS.Case No. 4 Year- 2008 Thana -null District- GOPALGANJ

- =====
1. Sushila Devi wife of late Ramakant Pd.
 2. Bipin Bihari Prasad son of Sri Nandeshwar Prasad, both resident of village Dubauli, P.S. Baikunthpur, District Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar
2. Sunita Devi wife of Awdhesh Singh, resident of village Dubauli, P.S. Baikunthpur, District Gopalganj

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kr. Mishra, Advocate

For the Opposite Party/s : Mr. M.N. Jha, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 18-09-2015

The Petitioners seek quashing of the order of cognizance dated 15.2.2010 passed by the Judicial Magistrate, Gopalganj in Complaint case No.4 of 2008 (Trial No.933 of 2010).

The case of the Complainant is that on the date of occurrence the Petitioner No.1 came to the general body meeting in the School premises and asked the Complainant to put her signature on a joint account cheque of withdrawal of certain amount of money. However, she refused and asked the Petitioners to produce the previous accounts, at which an altercation took place and the Petitioners threatened her of dire consequences and hence the present Complaint.

The submission of the Petitioners is that fact of the

matter is that the Petitioner No.1 had filed a criminal case against the husband of the Complainant bearing Baikunthpur P.S. case No.232 of 2007 for having forged and withdrawn money from the Bank by over writing. It is on account of trying to screen her husband from the vagaries of the said case that the present Complaint was filed with trumped up charges.

On the other hand, the Counsel for the Complainant submits that since the Petitioners had acted in a highhanded manner, they should be put on trial.

Having considered the facts of the Complaint Petition, I am unable to convince myself that any criminal offence is made out in the facts stated therein. Hence, the application is allowed and the proceeding including the order of cognizance dated 15.2.2010 passed by the Judicial Magistrate, Gopalganj in Complaint case No.4 of 2008 (Trial No.933 of 2010) without prejudice to either party is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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