

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 42746 of 2012

Arising out of P.S. Case No. -14 Year- 2011 Thana -SC/ST
District- NALANDA (BIHARSHARIFF)

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1. Rajiv Kumar.
 2. Harishankar Prasad @ Munna Prasad.
 3. Abhhinash Kumar.
 4. Manoj Kumar, All sons of Chandeshwar Prasad.
 5. Chandeshwar Prasad, S/o Late Etwari Prasad. All resident of Village+P.O.-Banarsi Bigha, P.S.-Islampur, Distt.-Nalanda.
- Petitioner/s

Versus

1. The State of Bihar.
 2. Bachchi Devi, W/o Balmukund Paswan, R/o At and P.O.-Banarsi Bigha, P.S.-Islampur, Distt.-Nalanda.
- Opposite Party/s
- =====

Appearance :

For the Petitioner/s : Mr. B. K. Pandey, Adv.

For the Opposite Party/s: Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 28-09-2015

The Petitioners seek quashing of the order dated 04.07.2012 passed by the 1st Additional District & Sessions Judge, Nalanda in Cr. Rev. No. 160 of 2012 by which it has affirmed the order dated 21.04.2012 passed by the Additional Chief Judicial Magistrate, Hilsa, Nalanda in SC/ST Case No. 14 of 2011 by which it has taken cognizance in the matter.

The case of the Complainant is that on the date of occurrence the accused persons came to her door and started abusing her as to why she did not cast her vote in the Panchayat Election so she went to complain to the Police at which the Police came to investigate which further enraged accused persons. On the next date of

occurrence the accused came variously armed and assaulted her.

It has been submitted on behalf of the Petitioners that if at all the incident was true the Police would not have submitted final report finding the dispute being one of civil nature. In this background, the present Complaint appears to be an abuse of the process of the Court.

Notices had been issued to the Opposite Party No. 2 but despite valid service she has chosen not to appear before this Court.

Having gone through the background facts, I am inclined to agree with the submission of the Petitioners so raised.

Hence, the entire proceeding as against all the accused persons including the order dated 04.07.2012 passed by the 1st Additional District & Sessions Judge, Nalanda in Cr. Rev. No. 160 of 2012 by which it has affirmed the order dated 21.04.2012 passed by the Additional Chief Judicial Magistrate, Hilsa, Nalanda in SC/ST Case No. 14 of 2011 is, hereby, set aside.

The Application stands allowed.

Vikash/-

(Anjana Prakash, J.)

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