

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11401 of 2013

Arising Out of PS.Case No. -442 Year- 2011 Thana -ROHTAS COMPLAINT CASE District- -

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Bhola Prasad Singh

.... Petitioner/s

Versus

The State of Bihar & Anr.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. Ram Anurag Singh (App)

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

4 07-05-2015 Heard the learned counsel Mr. Ravi Shankar Sahay, for the petitioner.

This Cr. Misc. application has been filed under Section 482 Cr.P.C. for quashing the order dated 19th February, 2013 passed by J.M. Ist Clss, Dehri Rohtas in Trial No.720 of 2013 arising out of complaint case No.442 of 2011 whereby cognizance has been taken against the petitioner also under Section 323 and 504 of the Indian Penal Code.

The learned counsel for the petitioner submitted that the main allegation of assault is against the accused No.1 and 2. So far the allegation against the petitioner is that he did not read over and explain the contents of the sale deed. According to the learned counsel, the petitioner is the deed writer and he has scribed the sale deed only.

It appears that notices were issued in admission matter to the complainant opposite party No.2. In spite of service of notice, nobody appeared on behalf of the opposite party No.2. The complaint

application has been annexed as Annexure '1' to this Cr. Misc. application. From perusal of the complaint application, it appears that the only allegation against the petitioner is that after scribing the sale deed, this petitioner did not read over and explain the contents of the sale deed to the complainant. From perusal of the order taking cognizance, it appears that cognizance has been taken under Section 323 and 504 I.P.C. against this petitioner also. In view of the above facts that even if the allegation made in the complaint is taken to be gospel truth then also no case under Section 323 or 504 I.P.C. is made out against present petitioner, Bhola Prasad Singh. Therefore, if the criminal proceeding is allowed to continue against the petitioner, it will not only harass the petitioner but also will amount to abuse of the process of Court.

Accordingly, I hereby quash that part of the order dated 19th February, 2013 whereby the Court below has taken cognizance under Section 323 and 504 of I.P.C. against the petitioner only. So far the other part of the order taking cognizance against other accused will not be affected by this order. Accordingly, this Cr. Misc. Application stands allowed.

Sanjeev/-

(Mungeshwar Sahoo, J)

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