

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36631 of 2013

Arising Out of PS.Case No. -2790 Year- 2011 Thana -COMPLAINT CASE District- ARRARIA

1. Md. Taiyab Alam Shahidi @ Md. Taiyab, S/O Late Saidur Rahman, resident of village- Karar Pokhar, P.S.- Azam Nagar, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar,

2. Purni Devi, W/O Sukaru Risidev, resident of village- Kusiyaogaon, P.S.- Araria, District Araria.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Advocate

For the Opposite Party/s : APP

Mr. Ansarul Haque, Advocate

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 30-06-2015

1. The Petitioner seeks quashing of the order of cognizance dated 16.05.2013 passed by the Judicial Magistrate, 1st class, Araria, in Complaint Case No.2790 of 2011.

2. The case of the Complainant is that he was owner of certain piece of land. On the date of occurrence, the accused persons came to her house and started to call the husband of the Complainant and abused him. Then they entered into her house and misused with her and also committed theft of his personal properties.

3. It has been submitted on behalf of the Petitioner that he was the Circle Officer, Araria, and the land mentioned in the Complaint Petition was within his jurisdictional area. The

Complainant, in fact, wanted some undue advantage in regard to Parwana which had been executed about which there was a complaint that it was forged. First Information Report was also instituted in this regard against the Complainant's husband. The Petitioner being Circle Officer took some strong action in the matter on account of which this absurd Complaint Petition has been filed.

4. On the other hand, counsel for the Complainant submits that since she was abused and manhandled, the Petitioner should be put on trial.

5. Having gone through background facts, I am inclined to hold that Complaint Petition is unreliable and deserves to be set aside.

6. Hence, the order of cognizance dated 16.05.2013 passed by the Judicial Magistrate, 1st class, Araria, in Complaint Case No.2790 of 2011, is hereby set aside.

7. However, this order shall not give undue advantage to any party.

8. The application stands allowed.

(Anjana Prakash, J)

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