

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 17328 of 2011

Arising out of P.S. Case No. -112 Year- 2010 Thana -
Complaint District- AURANGABAD

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Jayant Kumar Singh S/o Late Nageshwar Prasad Singh R/o A/19,
Police Colony, Anisabad, P.O.-Anisabad, P.S.-Gardanibagh, Patna-
800002, Bihar at Present Posted as Deputy Development
Commissioner, Saharsa. Petitioner/s

Versus

1. The State of Bihar.
2. Sidheshwar Vidhyarthi S/o Shri Janeshwar Singh R/o Mohalla-
New Area Near Devi Asthan, P.S.-Aurangabad, Distt-Aurangabad,
Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Ravish, Adv.

For the Opposite Party/s : Mr. Manoj Kumar-I (APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 06-02-2015

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

The Petitioner seeks quashing of the entire proceeding
including the order of cognizance dated 16.03.2011 passed by
the Chief Judicial Magistrate, Aurangabad in Complaint Case
No. 112 of 2010 (Tr. No. 1231 of 2011).

The case of the Complainant is that he was a
practicing Advocate and Ex-Secretary of the District Literacy
Society in which capacity the Petitioner called upon the
Complainant and requested him to visit his residence for
discussing the affairs of a temple. When the Complainant started
placing facts about the mismanagement in the temple he was
allegedly abused and assaulted by the Petitioner who happened
to be the SDO at the relevant time.

It has been submitted that fact of the matter is that the Complainant was running an organization which mismanaged the affairs of the Temple. He was then noticed on 01.04.2010 as to why he should not be removed from the Secretary-ship of the temple. It is then the Opposite Party No. 2 filed a Money Suit No. 01 of 2010 against the Petitioner for profits of the Temple.

On going through the facts of the Complaint Petition, I would be inclined to hold that the allegations are not only absurd but also exaggerated for reasons of previous history of the developments that was taking place in the management of the temple.

Hence, the entire proceeding as against the Petitioner including the order of cognizance dated 16.03.2011 passed by the Chief Judicial Magistrate, Aurangabad in Complaint Case No. 112 of 2010 is, hereby, set aside.

The Application stands allowed.

(Anjana Prakash, J)

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