

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3999 of 2010

Arising Out of PS.Case No. -0 Year- null Thana -null District- PATNA

1. Upendra Pandit, S/O Late Jamuna Pandit, R/O Village and P.O.- Pakari, P.S.-
Beur, Distt.- Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. Yogendra Pandit, S/O Hardeo Pandit, R/O Village- Raghurampur, P.S.-
Shahpur, Distt.- Patna

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan I, Advocate
Mr. Amit Kumar, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Singh, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 04-09-2015

The Petitioner seeks quashing of the order of cognizance dated 08.02.2008 passed by the Judicial Magistrate, 1st class, Danapur, Patna, in Complaint Case No.1162-C of 2007 as also the order dated 3rd July, 2008, passed the Additional Sessions Judge, 4th, Patna, in Cr. Revision No.198 of 2008.

The background facts it that the Petitioner is the father-in-law of daughter of the Opposite Party No.2 and there was some issue between them on account of which he had filed Complaint Case No.191-C of 2007. In the said Complaint Case, the matter was sought to be resolved on payment of money and return of articles. However, despite return of articles present Complaint Petition has been filed with trumped up charges.

Although Vakalatnama has been filed on behalf of the Opposite Party No.2, but none appears on his behalf.

Having considered the background facts, I am inclined to hold that the present Complaint is gross abuse of process of the Court.

Hence, the order of cognizance dated 08.02.2008 passed by the Judicial Magistrate, 1st class, Danapur, Patna, in Complaint Case No.1162-C of 2007 as also the order dated 3rd July, 2008, passed the Additional Sessions Judge, 4th, Patna, in Cr. Revision No.198 of 2008, are hereby set aside in so far as the Petitioner is concerned.

The application stands **allowed**.

(Anjana Prakash, J)

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