

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13468 of 2010

Arising Out of PS.Case No. 2173 Year- 2008 Thana -null District- MUZAFFARPUR

Satyanarayan Prasad son of late Mahendra Prasad, resident of Mohalla Sikandarpur,
P.S. Town, District Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Naresh Ram son of Dhannu Ram, resident of village Ayabi Gram, P.S. Ahiyapur, District Muzaffarpur, presently resident of Mohalla Pakhnaha, P.S. Minapur, District Muzaffarpur

.... Opposite Party/s

Appearance :

For the Petitioner/s : Smt. Bela Singh, Advocate
For the State : Mr. Suraj Pd. Singh, APP
For Opposite Party No.2 : Mr. Dharendra Nath Jha, Advocate

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 29-09-2015

Learned Counsel for the Petitioner is permitted to make
correction in the year of Complaint case in paragraph 5 of the petition.

The Petitioner seeks quashing of the order of cognizance
dated 18.1.2010 passed by the court of Sri Satya Prakash, Judicial
Magistrate, 1st class, Muzaffarpur in Trial No.2892 of 2010 arising out
of Complaint case No.2173 of 2008.

The case of the Complainant is that the accused persons
employed him to work in the house but after having extracted work
for six months they did not pay him the salary.

It has been submitted on behalf of the Petitioner that fact
of the matter is that a Complaint case had been instituted by the

Petitioner against the in-laws of his daughter who were torturing her. In order to get the case withdrawn the son-in-law sent Uday Mishra and Jitendra Mishra intimidated him, for which the Petitioner filed another Complaint case No.2140 of 2008 against the two persons. The son-in-law thereafter set up somebody citing Jitendra Mishra and Uday Mishra as witnesses. Evidently it would be impossible for the Complainant to prove his case beyond all reasonable doubt during trial since all transactions were oral in nature.

On the other hand, the Counsel for the Complainant submits that since the Petitioner extracted work from him, he should be put on trial.

Having considered the nature of allegations and that the trial would be a nullity, in the circumstances of the case the application is allowed and the proceeding including the order of cognizance dated 18.1.2010 passed by the court of Sri Satya Prakash, Judicial Magistrate, 1st class, Muzaffarpur in Trial No.2892 of 2010 arising out of Complaint case No.2173 of 2008 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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