

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39119 of 2008

Arising Out of PS.Case No. -0 Year- null Thana -null District- VAISHALI(HAJIPUR)

=====

Krishna Kumar son of Moshafir Prasad Singh.

.... Petitioner/s

Versus

1. State of Bihar.
2. Smt. Malti Devi W/o Krishna Kumar Sharma.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 29-06-2015

The petitioner seeks quashing of the order of cognizance dated 08.08.2008 passed by the Judicial Magistrate 1st Class, Hajipur Vaishali in Complaint Case No. 2236 of 2005/Tr. No. 811 of 2008.

The case of the complainant is that the petitioner who was the Officer-in-Charge along with other constables entered her house forcibly and committed theft of personal property as also assaulted her.

The petitioner submits that one Sarai P.S. Case No. 93 of 2005 has been instituted in which the petitioner had sought to arrest certain persons who had taken shelter in the house of the complainant including the son of the complainant. When action was taken the ladies had attacked them and later on a false case was instituted in which the petitioner was made accused.

Be that as it may, in view of the background facts the application is allowed and the order of cognizance dated 08.08.2008 passed by the Judicial Magistrate 1st Class, Hajipur Vaishali in Complaint Case No. 2236 of 2005/Tr. No. 811 of 2008 is hereby set aside.

(Anjana Prakash, J)

Prakash/-

U		T	
---	--	---	--