

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44905 of 2008

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

Reeta Devi W/o Sri Sanjay Prasad.

.... Petitioner/s

Versus

State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.
Mr. S.K.Bhatnagar

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 09.05.2008 passed by the Judicial Magistrate 1st Class, Gopalganj in Complaint Case No. 522 of 2007, Tr. No. 2296 of 2008.

The case of the complainant is that the petitioner was the Secretary of School Education Committee whereas co-accused Bipin Bihari Srivistava was the president and on the recommendation of the president the accused Headmaster of the Government Middle School, Kotawan had given a cheque to the complainant on different installment for construction work of the building. However, the petitioner started lingering the matter and when he demanded an explanation, the petitioner sought bribe and co-accused also manhandled him.

It has been submitted on behalf of the petitioners that

from perusal of the complaint petition itself it would be apparent that the present complaint has been filed for unreliable reasons. No doubt the complainant had been given the work of construction but some dispute arose in the transaction on account of which the present complaint was filed.

Having considered the nature of allegation and position of the parties, I would be inclined to hold that the present prosecution is gross abuse of the process of the Court and hence the application is allowed and the order of cognizance dated 09.05.2008 passed by the Judicial Magistrate 1st Class, Gopalganj in Complaint Case No. 522 of 2007, Tr. No. 2296 of 2008 is hereby set aside.

(Anjana Prakash, J)

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