

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10887 of 2012

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

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1. Ekbal Karim S/O Late Syed Mazhar Hassan Resident Of Village- Wazidpur, Police Station- Kashichak, District- Nawada, At Present Resident Of Mohalla- Yahyapur Banglapur, Police Station & District- Sheikhpura
 2. Jawed Karim S/O Late Syed Mazhar Hassan Resident Of Village- Wazidpur, Police Station- Kashichak, District- Nawada, At Present Resident Of Mohalla- Yahyapur Banglapur, Police Station & District- Sheikhpura
 3. Atta Karim S/O Late Syed Mazhar Hassan Resident Of Village- Wazidpur, Police Station- Kashichak, District- Nawada, At Present Resident Of Mohalla- Yahyapur Banglapur, Police Station & District- Sheikhpura
 4. Aftab Karim S/O Late Syed Mazhar Hassan Resident Of Village- Wazidpur, Police Station- Kashichak, District- Nawada, At Present Resident Of Mohalla- Yahyapur Banglapur, Police Station & District- Sheikhpura

.... Petitioner/s

Versus

1. The State Of Bihar
2. Sultan Mohd. Ali Zaidi S/O Late Syed Mazhar Hassan Resident Of Mohalla- Yahyapur Banglapur, Police Station & District- Sheikhpura

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 25-08-2015

The petitioners seek quashing of the order of cognizance dated 18.09.2010 passed in Complaint Case No. 326C of 2009 by the Judicial Magistrate, Sheikhpura.

The case of the complainant is that the accused persons are his own step brothers and on the date of occurrence they threatened and assaulted him.

It has been submitted on behalf of the petitioners that there is civil dispute pending between them and several criminal cases have been filed on frivolous grounds against each other. On account of this earlier the complainant had filed Sheikhpura P.S. Case Nos. 443

of 2008, 496 of 2008 and 189 of 2009 which were all found false. It is under these circumstances, that the petitioners submit that they be exonerated from prosecution.

On the other hand counsel for the complainant submits that after order of cognizance was challenged in the revisional Court the matter was remanded in the Court below and fresh order of cognizance has been passed which has not been challenged.

However, considering the frivolous nature of allegations and the relationship between the parties, I would be inclined to hold that the present complaint is abuse of the process of the Court. Hence the application is allowed and the order of cognizance dated 18.09.2010 passed in Complaint Case No. 326C of 2009 by the Judicial Magistrate, Sheikhpura is hereby set aside.

(Anjana Prakash, J)

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