

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.16167 of 2012

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

Dr. Ram S. Sangapure @ Dr. R. S. Sangapure, son of Saduba B. Sangapure, Chairman, Uttar Bihar Gramin Bank, Head Office Kalambagh Chowk, P.S.-Kazi Mohammadpur, Town and District- Muzaffarpur, at present General Manager, Retail Banking Department, Central Bank of India, Mumbai Main Office, 2nd Floor, Fort, Mumbai- 400 023

.... Petitioner/s

Versus

1. The State of Bihar &
2. Jitendra Kumar Singh, son of Sri Ram Anup singh, resident of village-Semra Nanhkar, P.O. and P.S.-Sahebganj, district- Muzaffarpur.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prashant Vadasan, Advocate
Mr. Subhash Chandra Bose, Advocate

For the Opposite Party/s : Mr. R. P. S. Singh, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 14-09-2015

The Petitioner seeks quashing of the order of cognizance dated 09.12.2011 passed by the Judicial Magistrate, 1st class, Muzaffarpur, in Complaint Case No.1216 of 2010/Trial No.4401 of 2011.

The case of the Complainant is that he was a cultivator and had approached the bank for purchase of a tractor but he was told that there was ban on sanction of tractor loan. So, he went to verify this fact at the Head Office of the Bank where he found that the accused was busy in performing *Puja*. So, he waited for sometime. Later on, he became restless, so, he asked for

appointment, but this enraged the bank official, who assaulted him and hence the present Complaint.

It has been submitted on behalf of the Petitioner that on the face of the Complaint, it appears to be false and frivolous.

On the last occasion, notice had been issued to the Complainant but none appears on his behalf.

Having considered the facts of the Complaint, I have no manner of doubt in concluding that continuance of the present Complaint would be gross abuse of process of the Court and deserves to be set aside.

Hence, the order of cognizance dated 09.12.2011 passed by the Judicial Magistrate, 1st class, Muzaffarpur, in Complaint Case No.1216 of 2010/Trial No.4401 of 2011 is hereby set aside.

The application stands **allowed**.

(Anjana Prakash, J)

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