

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44376 of 2012

Arising Out of Complaint Case No. 2888 Year- 2011 District- MUZAFFARPUR

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Umesh Kumar Singh S/O Late Ram Saran Singh Resident Of Mohalla- Indira Nagar Road No. 6, P.S- Jakanpur, District- Patna.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Rama Shankar Choudhary S/O Late Ramashish Choudhary Resident Of Village- Atrar, P.S- Aurai, District- Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bala Singh, Adv.
Mr. Rajesh Ranjan, Adv.
For the State : Mr. Arvind Kr. Pandey, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 26-06-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order of cognizance dated 29.5.2012 passed by the Judicial Magistrate, 1st Class, Muzaffarpur, in Complaint Case No. 2888 of 2011.

The case of the Complainant is that on the date of occurrence on having been noticed when he reached there, he and his witness were intimidated by the accused persons.

The submission of the petitioner is that the Complainant had filed two cases i.e. Aurai P.S. Case No. 48 of 2011 and Aurai P.S. Case No.117 of 2011 against his brother but on supervision by the Petitioner, he found that one of the cases had been

filed falsely and recommended action against him under Sections 182/211 Indian Penal Code.

Being aggrieved by the recommendation of the Petitioner, a Complaint was filed by him in order to harass him.

On the last occasion, notices had been issued to the Opposite Party No. 2 but none appears on his behalf despite service of notice.

Having considered the surrounding facts, I would be inclined to hold that the present Complaint is a gross abuse of the process of the Court and deserves to be set aside.

Hence, the application is allowed and the Proceeding including the order dated 29.5.2012 passed by the Judicial Magistrate, 1st Class, Muzaffarpur, in Complaint Case No. 2888 of 2011 is hereby set aside.

(Anjana Prakash, J)

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