

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 32936 of 2012

Arising out of P.S. Case No. -2141 Year- 2010 Thana -null
District- BEGUSARAI

=====

Bipin Bihari Sharma Son of Late Lakshmi Narayan Choudhary
Resident of Village + P.S. - Bhagwanpur , District - Begusarai
Presently Residing at R-10 Jagat Vihar Colony, P.S. Ashiana Nagar,
P.S. - Rajiv Nagar, Town + District – Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Uma Kant Choudhary Son of Late Deo Narayan Choudhary
Resident of Village + P.S. - Bhagwanpur, District – Begusarai.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Adv.

For the Opposite Party/s : Mrs. Anita Kumari Singh, APP.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 20-07-2015

The Petitioner seeks quashing of the entire proceeding including the order of cognizance dated 10.02.2012 passed by the Judicial Magistrate, 1st Class, Begusarai in Complaint Case No. 2141C of 2010 (Tr. No. 2449 of 2010).

The case of the Complainant is that on the date of occurrence he was summoned to the house of the Petitioner where he was abused and made to sign some blank documents. He was threatened with dire consequences on account of earlier dispute over payment of his salary.

It has been submitted on behalf of the Petitioners that the allegation is not only absurd but also unreliable for the reason that he was a Senior Manager in HEC and it not probable that he would have behaved in

the manner alleged. Also there was no reason as to why the Petitioner would threaten the Complainant. The Complaint appears to have been filed for ulterior reasons.

Notices had been issued to the Opposite Party No. 2 but despite service of notice he has chosen not to appear before this Court.

Having considered the superficial nature of allegations, I would be inclined to hold that the present prosecution is a gross abuse of the process of the Court and deserves to be set aside.

Hence, the entire proceeding including the order of cognizance dated 10.02.2012 passed by the Judicial Magistrate, 1st Class, Begusarai in Complaint Case No. 2141C of 2010 (Tr. No. 2449 of 2010) is, hereby, set aside.

The application stands allowed.

However, this order shall not prejudice any party in any manner.

(Anjana Prakash, J.)

Vikash/-

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