

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No. 37330 of 2014**

Arising out of P.S. Case No. -576 Year- 2003 Thana -  
KHAGARIA COMPALINT CASE District- KHAGARIA

=====

Archana Kumari @ Smt. Archana, Child Development Project Officer, P.S.-Baldour, District-Khagaria, Wife of Sanjeev Nayan, Resident of East Indira Nagar, Kankarbagh, P.S.-Kankarbagh, District-Patna presently posted at Koko Block, P.S.-Koko, District-Jehanabad.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. Bimla Devi, Wife of Ramdeo Bhagat, Resident of Village-Mahinathpur, P.S.-Beldour, District-Khagaria.

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Mahboob Ashraf, Adv.

For the Opposite Party/s: Mr. APP.

=====

**CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH**

ORAL JUDGMENT

**Date: 01-10-2015**

The Petitioner seeks quashing of the order dated 24.09.2013 passed by the 1<sup>st</sup> Ad hoc Additional Sessions Judge, Khagaria in Cr. Rev. No. 115 of 2012 by which it has confirmed the order of non-discharge dated 05.10.2012 passed by the Judicial Magistrate, 1<sup>st</sup> Class, Khagaria in Complaint Case No. 576C of 2003.

The case of the Complainant is that she was selected to the post of Aaganbari Sevika in the year 1986 whereafter she was posted at Beldour but the CDPO i.e. the Petitioner did not make allotment to the Centre for its development nor paid her honorarium. When she went to register her Complaint she was abused and assaulted.

It has been submitted on behalf of the Petitioner that the allegations in the Complaint is absurd and unbelievable. Fact of the matter is that the Petitioner as a CDPO had distributed the amount as per allotment and there was no cause for demanding bribe. All the witnesses in the Complaint are her own family members.

On the last occasion, notices had been issued to the Opposite Party No. 2 but none appears on her behalf.

Having considered the improbable allegations levelled in the Complaint Petition, I would be of the view that continuance of the proceeding is a gross abuse of the process of the Court and deserves to be set aside.

Hence, the entire proceeding as against all the accused persons including the order dated 24.09.2013 passed by the 1<sup>st</sup> Ad hoc Additional Sessions Judge, Khagaria in Cr. Rev. No. 115 of 2012 by which it has confirmed the order of non-discharge dated 05.10.2012 passed by the Judicial Magistrate, 1<sup>st</sup> Class, Khagaria in Complaint Case No. 576C of 2003 is, hereby, set aside.

The Application stands allowed.

**(Anjana Prakash, J.)**

Vikash/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|