

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47359 of 2008

Arising Out of Complaint Case No. 458(c) Year- 2006 District- KHAGARIA

Parashuram Ram, son of late Chhotan Das, Prakhand village Padadhikari-cum-Election Officer, Beldaur Block, P.S. Beldaur, Distt. Khagaria .

.... Petitioner/s

Versus

1. The State Bihar
2. Ranju Kumari, wife of Sudhakar Singh, resident of village Balaitha, P.S. Beldaur, Distt. Bhojpur.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Adv.
Mr. Mohit Shrivastava, Adv.

For the Opposite Party: Mr. Pawan Kumar Singh.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 30-06-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order of cognizance dated 30.3.2007 passed by the Sub Divisional Judicial Magistrate, Khagaria, in compliant Case No. 458C of 2006.

The case of the Complainant is that the Petitioner being Election Officer had declared the rival candidate successful on having committed irregularities.

It has been submitted on behalf of the Petitioner that even conceding the allegation in the Complaint petition, no criminal offence would be made out. Further there are specific Tribunals constituted for redressal of such grievance and the Complainant having approached a Criminal Court for the said grievance is

unwarranted.

On the other hand, the counsel for the Complainant submits that the Petitioner with an intent to deprive her of rightful position, had declared her rival candidate successful and committed a criminal act, and hence, should be prosecuted.

Be that as it may, when there is a special Tribunal constituted especially for such matters, in my understanding, the present criminal Prosecution would be a gross abuse of the process of the Court it being a multiplicity.

Hence, the application is allowed and the Proceeding including the order of cognizance dated 30.3.2007 passed by the Sub Divisional Judicial Magistrate, Khagaria, in compliant Case No. 458C of 2006, is hereby set aside.

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

(Anjana Prakash, J)

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