

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26130 of 2013

Arising Out of PS.Case No. -1623 Year- 2012 Thana -BHOJPUR COMPLAINT CASE District-
BHOJPUR

- =====
1. Bibha Mishra, W/O Hemant Nath Tiwari, working as Principal, B.S. D.A.V. Public School, Mill Road, Nawada, Arrah
 2. Hemant Nath Tiwari, S/O Late Bindeshwari Tiwari, at present working as Office Assistant, Uttar Bihar Gramin Bank, Regional Office, Siwan.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Kavita Tiwari, W/O Ashok Kumar Tiwari, resident of Paschchim Tola, Post-Arrah Kachahri, P.S-Town, District- Bhojpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. S. K. Singh, Advocate

For the Opposite Party/s : APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 25-06-2015

1. The Petitioner No.1, who is the Headmistress, and her husband seek quashing of the order of cognizance dated 02.01.2013 passed by the Judicial Magistrate, 1st class, Arrah, in Complaint Case No.1623-C of 2012.

2. The case of the Complainant is that she was appointed by the Managing Committee of the School in which the Petitioner No.1 was the Headmistress. She took her examination in which she passed but instead she was discriminated against and not permitted to join when she failed to bribe her.

3. It has been submitted on behalf of the Petitioners that fact of the matter is that since the Complainant could not secure

pass marks in the examination held by the School, she could not be regularized. The Petitioners had no personal stake in the matter and the Petitioner No.1 was acting as merely functionary of the school. Being aggrieved with the action, she has filed the Complaint Petition in order to harass the Petitioners.

4. Notice had been issued to the Opposite Party No.2, but she refused to accept the same.

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

6. Hence, the order of cognizance dated 02.01.2013 passed by the Judicial Magistrate, 1st class, Arrah, in Complaint Case No.1623-C of 2012, is hereby set aside.

7. The application stands allowed.

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

(Anjana Prakash, J)

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