

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20923 of 2013

Arising Out of Complaint Case No.3248 Year- 2011 District- KATIHAR

- =====
1. Sadanand Mandal, son of Subhash Mandal
 2. Subhash Mandal @ Subhash Chandra Mandal, son of Ajablal Mandal
 3. Rajan Mandal, son of late Setu Mandal
 4. Savita Devi, wife of Rajan Mandal
 5. Chamru Das, son of late Jitu Das
- All resident of village - Rahika, P.S. - Pranpur, District - Katihar

.... Petitioner/s

Versus

1. The State of Bihar
2. Shankar Yadav, son of Chitto Yadav, resident of Village - Rahika, P.S. - Pranpur, District - Katihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Adv.
For the State : Mr. Rajesh Kumar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 16-05-2016

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order of cognizance dated 28.9.2012 passed by the Judicial Magistrate, 1st Class, Katihar, in Complaint Case No. 3248 of 2011.

The case of the Complainant is that the accused persons on the date of occurrence started to assault him with lathi and danda and also assaulted his wife saying she was a witch.

It has been submitted that the fact of the matter is that the Petitioner No. 1 had lodged Pranpur P.S. Case No. 205 of 2011 against the Complainant and others for more or less similar cause of

action and it is, thereafter, the present Complaint was filed as a counter blast.

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

Having considered the background facts, I have no hesitation in holding 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 of order of cognizance dated 28.9.2012 passed by the Judicial Magistrate, 1st Class, Katihar, in Complaint Case No. 3248 of 2011.

(Anjana Prakash, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N/A
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