

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.19167 of 2014**

Arising Out of PS.Case No. -836 Year- 2012 Thana -BEGUSARAI COMPLAINT CSAE District-  
BEGUSARAI

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1. Jawahar Lal Singh Son of Late Ram Kali Singh resident of village-  
Sadipur Daira, P.S.- Balia, District- Begusarai, at Present working as an  
acting Principal, Hussainichak Utkramit Middle School, Husainichak Balia,  
District- Begusarai .... Petitioner

Versus

1. The State of Bihar  
2. Ravi Shankar Kumar Son of not known trainee Sub- Inspector, the then  
Posted at Balia Police Station- Begusarai  
3. Rakesh Kumar Singh Son of Late Sandagar Singh resident of village-  
Bhagatpur, P.S.- Balia, District- Begusarai at present working as Journalist  
in daily Hindi newspaper namely " Prabhat Khabar"  
4. Ashutosh Choubey Publisher, Prabhat Khabar Mental Publishing house,  
Situating at Plot no.-D/9-10, Patliputra Colony, District- Patna  
5. haribansh Narain Singh Incharge Editor Prabhat Khabar, Bihar Mental  
Publishing house Ltd. Udaita Bhawan, Boring Road, District- Patna 800001  
.... Opposite Parties

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**Appearance :**

For the Petitioner : Mr. Karandeep Kumar, Adv.  
For the Opposite Parties : Mr. J.Upadhyay(App)

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**CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD**  
**ORAL ORDER**

5      21-04-2016                      Heard the learned counsel for the petitioner and the  
State.

This is a petition for quashing the order, dated  
12.02.2014, passed by the Chief Judicial Magistrate, Begusarai, by  
which he has dismissed the Complaint Case No. 836C of 2012  
under Section 203 of the Criminal Procedure Code.

The prosecution case is that the complainant  
withdrawn Rs.80,000/- from the head School Dress and to get the  
account updated he was standing in queue, he learnt that bag in  
which he had kept the money, has been cut and the money in the  
bag is missing, then, he immediately informed the Officer-in-  
Charge, Balia Police Station, Begusarai, but, the Officer-in-Charge  
did not lodge the first information report and instead demanded  
Rs.10,000/- to lodge a case. Thereafter, the complainant gave a  
petition to the Superintendent of Police, Begusarai, regarding the



occurrence, but, a Constable kept the application of the complainant, as the Superintendent of Police was not available. Thereafter, he also gave a petition to the District Education Officer, Begusarai. The, further, case is that Officer-in-Charge of Begusarai Police Station called him on telephone and threatened that if he will file any petition against him, he will cut him in pieces. The, further, case is that he was, again, called by Officer-in-Charge, Begusarai Police Station through a Chowkidar and it is alleged that in presence of accused no. 1 of the complaint, Officer-in-Charge, Begusarai Police Station, said that if the money is not paid then the complainant will be roped in a false case for defalcating the Government money under the School Bag and Poshak Scheme. On 29.04.2012 the complainant read news in newspaper for defalcation of the money by the petitioner. Being aggrieved he filed a complaint case so that the image of the complainant could not be tarnished and he could not be looked down in the society. The complainant and witnesses examined on oath, the enquiry conducted under Section 202 of the Criminal Procedure Code and the Magistrate dismissed the complaint.

Taking into consideration the submissions of the parties as well as from the report of the police, the learned Magistrate opined that the case was lodged the day the news was published in the daily newspaper Prabhat Khabar regarding the defalcation of the money and taking into consideration the fact that the case was not lodged till the date the news was published and the allegation made out that the money was taken away from the bag by cutting it and the matter was reported to the police for which the police did not take the cognizance and even demanded Rs.10,000/-, itself, appears to be contradictory and statement of the witnesses that they heard regarding the money missing from the bag and news in Prabhat Khabar newspaper touching the dignity of the complainant is hit by hear-say dismissed the

complaint that there is no material to pursue the complaint.

The learned counsel for the petitioner, however, challenged the order that the allegation made, makes out a case and it is matter of common observation that Daroga does not lodge case easily and there is allegation that he did not lodge the case and demanded money and get the publication of defalcation of money by petitioner only to defame the petitioner.

However, having regard to the fact that the case filed after the news published in the daily newspaper in Prabhat Khabar, itself, indicates malice and the filing of the complaint on the date the news published and there is no material to corroborate about information given to Superintendent of Police, Begusarai, and Education Department and reporting the matter to police about demand of money and further delay in lodging the case prior to the publication of news in newspaper.

Hence, having regard to the facts and circumstances of the case that the learned Magistrate has considered the entire facts and circumstances of the case and I find that the learned Magistrate has considered the material under enquiry under Section 202 of the Criminal Procedure Code and gave a valid reason for dismissing the complaint as no sufficient ground for proceeding with complaint, I do not find any merit to interfere with the impugned order.

This petition is **dismissed**.

**(Gopal Prasad, J)**

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