

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21365 of 2013

Arising Out of PS.Case No. -1244 Year- 2011 Thana -COMPLAINT CASE District- BANKA

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1. Kamal Narayan Chaudhary son of late Ram Dhani Ram
 2. Ghanshyam Mandal son of late Ganu Mandal
 3. Ugendra Mandal son of late Ajabi Mandal
 4. Smt. Subhadra Devi wife of Ugendra Mandal

.... Petitioner/s

Versus

1. State of Bihar
2. Sanjay Kumar Mahto son of Motilal Mahto.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. M.Haque(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

4 20-06-2016 The petitioners seek quashing of the order of cognizance dated 23.08.2012 passed by the Chief Judicial Magistrate, Banka in Complaint Case No. 1244 of 2011.

The case of the complainant is that he was a Public Distribution Dealer and used to do his work as per procedure. However, the accused persons in various ways were trying to harass him by making false allegations and also abused and assaulted him in connivance with each other.

It has been submitted on behalf of the petitioners that fact of the matter is that the complainant was sought to be proceeded against by the authorities of the Public Distribution System and it is in order to screen himself from such vagaries he instituted the present case with ridiculous allegations

On the other hand the complainant submits that the accused persons had falsely alleged that the complainant was not carrying on his business in accordance with law and therefore they should be put on trial.

Having considered the absurd allegations I have no hesitation holding that the present case is gross abuse of the process of the Court. Hence the application is allowed and the order of cognizance dated 23.08.2012 passed by the Chief Judicial Magistrate, Banka in Complaint Case No. 1244 of 2011 is hereby set aside.

(Anjana Prakash, J)

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