

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1088 of 2015

Arising Out of PS.Case No. -778 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Sanni Kumar S/o Jhana Lal Resident of Village-Pehari Manpur, P.S.-Buniadganj, District-Gaya.
 2. Ramesh Thakur S/o Sri Indradeo Thakur, Resident of Village-Mohamadpur, Rohua, P.S.-Bhagwanpur, District-Vaishali.
 3. Sunil Kumar S/o Doodh Nath Prasad Sharma Resident of Sindri, P.S.-Sindri, District-Dhanbad.
 4. Ashutosh Kumar S/o Kishori Razak, Resident of Village-Kheman Bigha, P.S.-Noorsarai, District-Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar
2. Anant Kumar Rai S/o Late Kailash Rai Resident of Village+P.O.-Paijna, P.S.-Ghoswari, District-Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar, Advocate.
For the Opposite Party/s 2 : Mr. Manoj Kumar Pandey, Advocate.
For the State : Mr. Ram Chandra Singh, Addl. P.P

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 01-12-2016

This application has been filed seeking quashing of the order dated 07.03.2014 passed by the learned Judicial Magistrate, 1st Class, Barh in Complaint Case No. 778 (c) of 2013 whereby he has taken cognizance of the offence punishable under Sections 347, 323 and 504/34 of the Indian Penal Code and has issued summons to these petitioners for their appearance.

The petitioners No. 1 and 2 are the Junior Engineer and Petitioners No. 3 and 4 are line men posted in the Electricity Supply



Divisional Office, Mokama.

It transpires from the record that Goshwari P.S. Case No. 70 of 2013, dated 12.09.2013 was lodged against some of the persons including Opposite Party No. 2 for the offences punishable under Section 135 (1) (a) of the Electricity Act, 2013 for committing theft of electricity. After filing of the said FIR, the Opposite Party No. 2 filed the present complaint case against the petitioners who were members of the raiding party. In the said Goshwari P.S. Case No. 170 of 2013, filed on 12.09.2013, the police had submitted charge sheet.

Learned counsel appearing on behalf of the petitioners has submitted that lodging of the Complaint Case No. 778(c) of 2013 is malicious prosecution and abuse of the process of the Court. According to him, the said complaint petition has been filed in order to wreak vengeance. There is statement in the present application that prior to filing of the present complaint case, the complainant had filed another complaint case when the electricity line of the residents of the village was disconnected because of none payment of the electricity bill. This statement has not been disputed.

Considering the facts and circumstances and its entirety, I am of the view that the petitioners have been able to make out a case that lodging of the complaint is nothing but a revengeful act for the



purpose of harassing these petitioners. In such circumstances, for the ends of justice, prosecution arising out of Complaint Case No. 778 (c) of 2013 is quashed.

Accordingly, in exercise of powers under Section 482 Cr.P.C, the order taking cognizance including the entire prosecution arising out of the Complaint Case No. 778(c) of 2013 is quashed.

The application stands allowed.

(Chakradhari Sharan Singh, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	07.12.2016
Transmission Date	07.12.2016

