

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1536 of 2013

Arising Out of PS.Case No. -2471 Year- 2008 Thana -PATNA COMPLAINT CASE District- -

1. Madan Paswan S/O Late Yogeshwar Paswan, Resident Of Village Rampur Sindai, P.S. Barbiga, District Sheikhpura, Presently Posted As S.I. Asthawan, Special Branch, District Nalanda.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. Jogesh Raj S/O Late Ramashray Ram, Resident Of Kachhi Talab, Near Sant Paul School, P.S. Gardanibagh, District Patna.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kr. Singh Advocate
Ms. Tulika Singh, Advocate
Ms. Sudha Chandra, Advocate
Md. Kamaluddin, Advocate

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 16-02-2016

The Petitioner seeks quashing of the order of cognizance dated 24.2.2011 passed by the court of Sri Ghanshyam Singh, Judicial Magistrate, 1st class, Patna in Complaint case No.2471C of 2008.

The case of the Complainant is that the accused persons came to his house and started to extort money from him and when he failed to satisfy their demands he was assaulted.

It has been submitted on behalf of the Petitioner that he was a police officer, who was investigating Gardanibagh P.S. case No.159 of 2008, in which the Complainant was an accused. Only in order to pressurize the police officials not to take action against him

this false Complaint was filed.

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, in my opinion the Complaint is malicious and deserves to be set aside. Hence, the application is allowed and the proceeding including the order of cognizance dated 24.2.2011 passed by the court of Sri Ghanshyam Singh, Judicial Magistrate, 1st class, Patna in Complaint case No.2471C of 2008 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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