

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 26048 of 2013

Arising Out of PS.Case No. -54 Year- 2011 Thana -SHEKHPURA COMPLAINT CASE District-
SEKHPURA

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Mukesh Kumar Singh @ Mukesh Kumar S/O Surendra Singh Resident of
Village Andauli, P.S. Chewara, District Sheikhpura.

.... Petitioner

Versus

1. The State of Bihar.
2. Vinod Pandey S/O Bimal Pandey Resident of Village Andauli, P.S.
Chewara, District Sheikhpura.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sinha
For the Opposite Party/s : Mr. Satya Deo Singh Yadav (App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 07-04-2016 Heard Sri Rakesh Kumar Sinha, learned counsel for
the petitioner and learned Addl. Public Prosecutor.

The petitioner, invoking inherent jurisdiction of this
Court under Section 482 of the Code of Criminal Procedure, has
prayed for quashing of an order dated 14-08-2012 passed in
Complaint Case No. 54(C) of 2011 by the learned Chief Judicial
Magistrate, Sheikhpura, whereby the learned Magistrate has
rejected the complaint case.

Fact remains that though the petitioner, who was
accused in Sheikhpura P.S. Case No. 312 of 2011, was exonerated
by the police and while submitting the final report. The police had
recommended for prosecution of the informant of the case under

Sections 182 & 211 of the Indian Penal Code, however; the informant had filed a protest petition, which was treated as complaint case and in the said complaint, after enquiry, processes were already issued to the accused person i.e. petitioner.

In view of the aforesaid fact, the Court is of the opinion that learned Chief Judicial Magistrate has rightly rejected the case no. 54(c) of 2011 by the impugned order.

The petition stands dismissed.

(Rakesh Kumar, J.)

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