

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45380 of 2010

- =====
1. Prabhu Nath Ojha, son of late Shri Krishna Ojha
 2. Harendra Ojha @ Harendra Kumar Ojha, son of late Jagarnath Ojha
- Both resident of village Tarwa Parsa, P.S. M.H. Nagar, Distt. Siwan.

.... Petitioner/s

Versus

1. The State of Bihar
2. Chandra Bhushan Mishra, son of late Shivpujan Mishra, r/o village jhjhwan, P.S. Maharajganj, Distt. Siwan, at present r/o Naya Bazar, Belhatha Pokhara, P.S. and Distt. Siwan.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Naresh Dikshit, Adv.

For the State : Mr. C. Jawahar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 29-03-2016

Heard learned counsel for the Petitioner and the State.

No one appears on behalf of the Opposite Party No. 2

The Petitioners seek quashing of the order of cognizance dated 29.7.2010 passed by the Sub Divisional Judicial Magistrate, Siwan, in Complaint Case No. 1303 of 2010.

The case of the Complainant is that a school was run in the house of the accused persons where he and his daughter-in-law were also working but they were not paid their salary so he filed a writ petition. Being enraged by such act, the accused persons on 6.5.2010 called the Complainant and his daughter-in-law and made a demand of Rs.5,00,000/- and also threatened them and made his daughter-in-law sign on a blank paper.

It has been submitted on behalf of the Petitioners that Petitioner No. 2 is the Headmaster of the school whereas Petitioner No. 1 has no concern with the same. The grievance of the Complainant appears to be non-payment of his salary which was not at the behest of the Petitioners. The rest of the allegations are nothing but a figment of imagination which should not be relied upon.

Having considered the background facts and nature of allegations in the Complaint petition, the application is allowed and the Proceeding including the order of cognizance dated 29.7.2010 passed by the Sub Divisional Judicial Magistrate, Siwan, in Complaint Case No. 1303 of 2010, is hereby set aside.

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(Anjana Prakash, J)

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