

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7191 of 2015

Arising Out of PS.Case No. -1069 Year- 2012 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

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1. Saudagar Yadav son of Late Sohar Gope, Resident of Village- Akauna,
Minhai, P.S.- Mufasil, District Nawada Petitioners

Versus

1. The State of Bihar
2. Devesh Sehara Son of Not Known, presently posted as Principal
Secretary, Directorate Panchayati Raj, Bihar, Patna
3. Subodh Kumar Singh son of Not Known, presently posted D.C.L.R.,
Gaya
4. Hari Nandan Prasad Sinha Son of Not Known, presently posted as
District Public Complaint Officer, Nawada
5. Sunil Kumar Gaya Sen son of Late Damodar Prasad Sen, of village-
Rewar, P.S.- Pakriarawan, District- Nawada, at presently posted as Head
Clerk, Hasua Block, District Nawada
6. Jagdeo Ram, Son of Not Known, presently posted as Head Clerk in the
office of L.R.D.C. Office, Nawada
7. Remi Kerketta Son of Not Known, presently posted as Circle Officer,
Nawada, Circle Nawada, District Nawada Opposite Parties
- =====

Appearance :

For the Petitioner : Mr. Durgesh Nandan, Adv.

For the Opposite Parties : Mr. Chandra Bhushan Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD
ORAL ORDER

2 03-05-2016 Heard the learned counsel for the petitioner and the
State.

This is a petition for quashing the order, dated 18.08.2014, passed in Complaint Case No. 1069 of 2012 by the Chief Judicial Magistrate, Nawadah, by which the Court has been pleased to reject the complaint under Section 203 of the Criminal Procedure Code on the ground that the matter mainly concerned with the civil dispute.

The learned counsel for the petitioner, however, challenged the order, impugned, on the ground that there is specific assertion about assault and demand of Rs.50,000/- for issuing the rent receipt and when the complainant refused to pay

Rs.50,000/- to issue rent receipt in pursuance of the order of the Court as well as of the High Court, then, he was assaulted by fists and slaps and threatened. However, the main allegation in complaint is under Sections 420, 467, 468, 471 and 472 of the Penal Code. The main contention for which the complaint case filed is for the non-compliance of the order and issuing of rent receipt and when it is alleged that it was not given, then, a demand has been made. However, the allegation, itself, appears to be absurd that the accused persons for issuing rent receipt demanded Rs.50,000/- and when the complainant refused to pay, he was abused and assaulted. There is no question of abuse and assault when there was demand and it appears that instead of filing a civil dispute a criminal colour has been given to this case.

Hence, I do not find any merit to interfere with the order, impugned.

This application is **dismissed**.

(Gopal Prasad, J)

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