

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20411 of 2014

Arising Out of PS.Case No. -571 Year- 2000 Thana -SARAN COMPLAINT CASE District-SARAN

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Kishun Das son of Sri Doman Das resident of Kosumhai, P.O. Kubri, P.S. Dhanwara, District Giridih (State Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar .
2. Satyendra Prasad Singh son of Nav Vinod Singh resident of Jalalpur , P.S. Dariyapur, District Sarna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary, Advocate
For the State : Mr. Anil Kumar Singh, APP
For the Opposite Party/s : Mr. Dewendra Narayan Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 01-09-2017

Heard learned counsel for the petitioner, State and opposite party No. 2.

The petitioner is aggrieved by the continuance of the criminal proceedings arising out of Complaint Case No. 571 of 2000 corresponding to Trial No. 2716 of 2013.

At the relevant time the petitioner was posted as Officer-in-charge of Dariyapur Police Station and in discharge of his official duty as Officer-in-charge he was a member of the raiding party in connection with Dariyapur P.S. Case Nos. 50 and 51 of 2000 lodged by the Circle Officer Dariyapur as well as by one Manager Singh against the complainant and while discharging the duty in connection with the aforesaid two cases he has to raid the house of the complainant and as a counter blast of the same the complainant has filed the instant complaint case vide



Complaint case No. 571 of 2000 against the petitioner.

Counsel for the petitioner submits that the present complaint case is vexatious in nature and instituted with a view to settle the score against the petitioner for conducting raid in the premise of the complainant.

From perusal of the complaint petition it appears that the complainant has alleged that the police officers are in league with one Manager Singh and in fact at the instance of said Manager Singh the petitioner has abused the power and apprehended the complainant and in that process the complainant was beaten and the petitioner took away the identity Card and Rs. 750/- from his pocket.

Counsel for the petitioner refers to the FIR of Dariyapur P.S. Case Nos. 50 and 51 of 2000 to substantiate that country made pistol and bombs were recovered from the house of the Opposite Party No. 2 and the Opposite Party No. 2 was apprehended by the police in connection with Dariapur P.S. Case Nos. 50 and 51 of 2000 and as such, he submits that the complaint case on the face of it is mala fide and vexatious and as such this case is covered by the judgment of the Apex Court in the case of **State of Haryana Vs. Choudbhary Bhajan Lal: AIR 1992 SC 604.**

Counsel for the opposite party No. 2, on the other hand, submits that from perusal of the complaint petition offence is



made out and as such this Court should not exercise jurisdiction under Section 482 of the Code of Criminal Procedure to interfere with the proceedings which is pending before the court below.

Having heard the parties and considering the entire material facts, I am of the view that the Police Officer in discharge of duty are entitled to some kind of protection and if cases are entertained as counter blast during execution of warrant order in discharge of duty as Police Officer, then it will lead to anarchy.

In the circumstances, the Court deems it fit and proper to quash the entire criminal proceedings arising out of Complaint Case No. 571 of 2000 as the continuance of the proceeding arising out of the said complaint case is an abuse of the process of law.

The petition is thus, allowed.

(Anil Kumar Upadhyay, J)

S.Pandey/-

AFR/NAFR	NAFR
CAV DATE	NA
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