

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19226 of 2014

Arising Out of PS.Case No. -3096 Year- 2012 Thana -VAISALI COMPLAINT CASE District-
VAISHALI (HAJIPUR)

- =====
1. Amit Kumar @ Bachha Roy, Son of Rajdeo Roy, Principal, Vishun Roy Mahavidyalaya, Kiratpur Rajaram, P.S.- Bhagwanpur, District- Vaishali.
 2. Rajdeo Roy, Son of Vishun Roy, Secretary, Vishun Roy Mahavidyalaya, Kiratpur Rajaram, P.S.- Bhagwanpur, District- Vaishali.
 3. Vina Kumari Sinha, Wife of Satyendra Prasad Singh @ Suresh Prasad Singh, Lecturer of Hindi and Teacher representative, Vishun Roy Mahavidyalaya, Kiratpur Rajaram, P.S.- Bhagwanpur, District- Vaishali.

.... Petitioners

Versus

1. The State of Bihar
2. Kedar Sah, Son of Deonarain Sah, Resident of village- Madarna, P.S.- Vaishali, District- Vaishali.

.... Opposite Parties

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Appearance :

For the Petitioners	:	Mr. Sunil Kumar Singh, Advocate
For the State	:	Mr. Akbar Ali, APP
For O.P. No.2	:	Mr. Satya Prakash Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 22-08-2017

Heard learned counsel for the petitioners, learned Additional Public Prosecutor for the State as well as learned counsel appearing on behalf of opposite party no.2.

2. The petitioners, accused of Complaint Case No.3096 of 2012, seeks quashing of the order taking cognizance dated 30.04.2013 under Sections 420, 465 and 471 IPC, passed by learned S.D.J.M., Hajipur (Vaishali).

3. The case of the complainant, opposite party no.2, as stated in the complaint, in brief is that he had been employed in Vishun Roy College since 1994. The said college was given financial



aid by the government since 26.03.2008 and the accused no.1 by committing forgery to the document submitted seniority list of the Lecturers to the Department of Human Resources showing himself as the Principal of the College since 02.08.1999 that is a forged document. Further allegation is that all family members are engaged in the college as Lecturer, Head Clerk, Librarian, Accountant and salary was not paid to the complainant for the session 2007-09 and misappropriated the amount.

4. Learned counsel for the petitioners submits that the complainant was a Lecturer in the said college but due to some irregularities, he was removed by order dated 07.01.2011 vide Annexure-5 so he was not a Lecturer as claimed by him in the complaint petition in the year 2012. Against the said order of removal, he preferred a writ application being CWJC No.4504 of 2011 before this Court. By order dated 10.01.2012 passed in the said writ application, he was directed to move the Secretary of Bihar School Examination Board with regard to his grievances and the Secretary was advised to take decision after hearing all the parties of the dispute. The ratio of financial irregularity including non-payment of his salary was also agitated by the complainant and considering the case of both sides, the Secretary, Bihar School Examination Board passed a detailed order on 25.09.2012 finding no illegality in his



removal from the college and no financial irregularity was found and thereafter this present complaint was filed on 07.09.2012.

5. Learned counsel appearing on behalf of opposite party no.2 submits that the S.D.M., Hajipur also receiving the complaint against the petitioners found some irregularities and sent letter to the Secretary, Bihar School Examination Board on 27.08.2011 and thereafter no action was taken.

6. Having considered rival submissions of both sides and on perusal of the records, this Court finds that the present complaint has been filed by the complainant after removal from the post of Lecturer from the said college of which the petitioner no.1 is the Principal. Complainant has asserted that till the filing of the complaint in the year 2012, he was a Lecturer in the said college but CWJC No.4504 of 2011 was filed for quashing the termination order dated 07.01.2011. The same was referred by the Court to the Secretary, Bihar School Examination Board and after hearing both sides the Secretary, Bihar School Examination Board by order dated 25.09.2012 has not found the removal of the complainant from the college as Lecturer illegal and no truth was found with regard to financial irregularities as alleged by the complainant so it appears that after the said order of the Secretary, Bihar School Examination Board, the complainant filed this complaint petition to wreck personal



vengeance against the petitioners, so the continuation of the criminal proceeding would be abuse of the process of the Court, hence the entire criminal proceeding including the order of cognizance dated 30.04.2013, passed by S.D.J.M., Hajipur (Vaishali) in Complaint Case No.3096 of 2012 is hereby set aside.

7. The petition stands allowed.

(Arun Kumar, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.08.2017
Transmission Date	29.08.2017

