

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2686 of 2015

Arising Out of PS.Case No. -55 Year- 2014 Thana -MAHILA PS District- JAMUI

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1. Om Prakash Barnwal Son of Chintamani Barnwal Resident of Mohalla-Purani Bazar, Jhajha, P.S- Jhajha, Distt.-Jamui

.... Petitioner/s

Versus

1. The State of Bihar
2. Laxmi Kumari W/O Chandradeo Prasad Baranwal Resident of Mohalla-Purani Bazar, Jhajha, P.S-Jhajha, Distt.-Jamui

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Mishra, Advocate

For the Opposite Party/s : Mr. B. N. Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 28-03-2017

Heard both sides.

2. The petitioner has filed this petition for quashing the order dated 27.10.2014 whereby the learned Sub-divisional Judicial Magistrate took cognizance under Section 341, 354, 354A, 504 and 506 of the IPC against the petitioner in G. R. Case No. 1450 of 2014.

3. The informant alleged that she is working in Jamui in the office of Collectorate as Paricharika (Peon). She comes to office every day from Jhajha. The petitioner eve teased her and on 19.08.2014, while she was returning to her house, the petitioner made an attempt to outrage her modesty and torn her clothes. The police after investigation submitted charge sheet finding the case true against



the petitioner and thereupon cognizance was taken.

4. The learned counsel for the petitioner submits that prior to the institution of the case the petitioner filed complaint case No. 724(C) of 2013 against the informant, her husband and others on the basis of which Jhajha P.S. case No. 84 of 2014 was registered under Section 420 and other Sections of the IPC. The present case has been lodged on account of enmity and it is a malicious prosecution and, therefore, the same is fit to be quashed.

5. I find that, of course, there is litigation between the parties but the informant has lodged the case alleging that while she was returning the petitioner made abortive attempt to outrage her modesty. The police after investigation found sufficient material and, accordingly, submitted charge sheet. No illegality is shown in the order taking cognizance.

Considering the facts aforesaid, I do not find any merit in this quashing petition. The same is, accordingly, dismissed.

(Prabhat Kumar Jha, J)

BKS/-

AFR/NAFR	NAFR
CAV DATE	N.A
Uploading Date	31/03/2017
Transmission Date	31/03/2017

