

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20284 of 2013

Arising Out of P.S.Case No. -680 Year- 2012 Thana -PATNA COMPLAINT CASE District-
PATNA

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Krishna Murari S/O Ram Chandra Mandal Resident of Village- Kathaghara, P.S-
Hathouri, District- Samastipur, At Present S.H.O., P.S- Belchhi, District- Patna.

.... Petitioner

Versus

1. The State of Bihar
2. Savita Devi wife of Bijendra Yadav Resident of Village- Biskurba, P.S-
Belchhi, District- Patna.

.... Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Bishwanath Prasad Singh, Advocate
	:	Mr. Ram Shankar Singh, Advocate
For the Opposite Parties	:	Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 10-07-2017

Heard both sides.

2. The petitioner seeks quashing of the order dated 22.02.013 passed by Sri Ranvijay Singh, Judicial Magistrate, Ist Class, Barh (Patna) in Complaint Case No.680C of 2012 whereunder finding prima-facie case for the offence under Sections 504 of the IPC, the petitioner was summoned.

3. The complainant filed complaint case on the file of CJM, Barh alleging inter-alia that on the date of occurrence this petitioner who was SHO of Belchhi P.S and his associates named in the complaint petition came at her house. The petitioner caught her hair and assaulted by slaps when the witnesses came for her rescue the



other police officials who were armed with rifles caught her and assaulted by fist and slaps.

4. From the submission of learned counsel for the petitioner as well as APP and on perusal of documents on record, I find that this petitioner had visited at the place complainant to arrest one Gorelal Yadav, the full brother of complainant in connection with Belchhi P.S.Case No.177 of 1996 registered for the offence under Sections 25(1-B), A, 26, 35 of the Arms Act and 414/34 of the IPC pending in the Court of Additional Sessions Judge, Barh. The said Gorelal Yadav was also an accused in Belchhi P.S.Case no.36 of 2012 under Section 454 and 380 of the IPC. The petitioner is informant of the said case and after investigation chargesheet was submitted against said Gorelal Yadav. The petitioner claims that he had acted bonafide in discharged of his official duty. The complainant had leveled the allegation of abusing and assault only to harass the petitioner as he while discharging official duty had conducted raid at the house of Opposite Party No.2 wherein her brother-in-law Gorelal Yadav was also residing. There is nothing on record to show that any sanction was granted for prosecuting the petitioner under the provision of Section 197 of the Cr.P.C. In such circumstance cognizance for the offence under Section 504 of the IPC against the petitioner appears to be abuse of process of the Court.



5. In view of above discussions, the order dated 22.02.2013 passed by Judicial Magistrate, Ist Class, Barh, Patna in Complaint case No.680C of 2012 is quashed. This criminal miscellaneous application is accordingly allowed.

(Sanjay Kumar, J)

B.Kr./-

AFR/NAFR	NAFR
CAV DATE	
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