

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47131 of 2013

Arising Out of PS.Case No. -null Year- null Thana -null District- SARAN

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1. Krishna Prasad Son Of Gangotri Prasad R/O Village/Moallah-Sahebganj, P.S.-
Town, District-Saran At Chapra (Bihar)

2. Suresh Prasad Son Of Late Bishwanath Prasad R/O Village / Mohalla-Patthar
Bazar, P.S.-Town, District-Saran At Chapra (Bihar)

3. Madan Prasad Son Of Late Gopinath Prasad R/O Village / Mohalla-Patthar
Bazar, P.S.-Town, District-Saran At Chapra (Bihar)

.... Petitioners

Versus

1. The State Of Bihar

2. Lakshman Prasad Son Of Late Motilal Sah R/O Village / Mohalla-Darshan
Nagar, P.S.-Town, District-Saran At Chapra (Bihar)

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Rakesh Kumar, Advocate

For the State : Mr. Nagendra Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 28-06-2017

The petitioner is accused in Complaint Case No.,537 of
2013 wherein cognizance has been taken under Sections 341, 342,
323, 506, 499, 211 and 182 of the Indian Penal Code.

2. Learned counsel for the petitioners submits that in
order to wreak vengeance against the petitioners, this false complaint
case was lodged as the petitioners were witnesses in a case lodged by
one Jawahar Prasad against the present complainant. There is no
injury to anyone and even there is only two enquiry witnesses, one is
the complainant's wife and one another person who has not stated that
any occurrence of assault or anything else happened.



3. Having considered rival submission and on perusal of record, I find that the allegation in the complaint is that the complainant was on the way found the accused petitioners and enquired from them why they had given evidence against him in a case lodged by Jawahar Prasad and so the petitioner nos.1 and 2 abused and assaulted him with fists and slaps thereafter, at the enquiry stage only two witnesses examined but the enquiry witness no.2, Mukti Nath Prasad does not whisper even a word relating to the alleged occurrence of assault.

4. In this backdrop of the fact, case appears malicious in nature filed in order to wreak vengeance against the petitioner nos.1 and 2, who are witnesses in a case against the present complainant, so the cognizance order dated 28.6.2013 and subsequent criminal proceeding is set aside.

5. In the result, this quashing application is allowed.

(Arun Kumar, J)

N.H./-

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