

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10737 of 2014

Arising Out of PS.Case No. -30 Year- 2013 Thana -SOHSARAI District- NALANDA
(BIHARSHARIFF)

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Arvind Sinha @ Arvind Kumar Son of Arjun Mehta R/O Sahokhar, P.S. Sohsarai,
District Nalanda

.... Petitioner/s

Versus

1. The State of Bihar
2. Vinod Kumar Maurya, S/o Late Jangli Mahto, R/o Mohalla-Sahokhar, P.S. Sohsarai, District-Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Uday Prasad
For the Opposite Party/s	:	Mr. Sita Ram Singh
		Mr. Samir Kumar Sinha
For the State	:	Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 18-07-2017

1. The petitioner seeks quashing of the order dated 19.11.2013 passed by the Chief Judicial Magistrate, Nalanda in G.R. Case no. 732 of 2013 arising out of Sohsarai P.S. Case no. 30 of 2013 whereunder the C.J.M., Nalanda took cognizance under Section 506 of the I.P.C. and Section 66-A of I.T. Act.
2. Heard learned counsels for the petitioner, O.P. no. 2 and APP for the State.
3. The facts, in brief, is that a police case vide Sohsarai (Nalanda) P.S. Case no. 30 of 2013 was registered under Section 506 of the I.P.C and Section 63 and 66-A of the I.T. Act on the basis of written report. The informant (O.P. no. 2) has alleged that the father of the



petitioner had lodged a Sohسرائ P.S. Case no. 114 of 2012 against him and his wife for the offence under Sections 420 and 406 of the IPC and for the said case, this petitioner who was then residing at Delhi allegedly threatened his son Abhinav Maurya by sending message through e-mail. On perusal of record, I find that the sender and receiver of e-mail messages were admittedly residing at Delhi. The father of Abhinav Maurya on getting information from his son has lodged the present case. The place of occurrence is at Delhi where the son of informant was residing and he received threat on e-mail from a person residing at Delhi. The allegation of criminal intimidation is vague and the informant has lodged the case merely on suspicion and suspecting apprehension to the life of his son residing at Delhi. This present case has been lodged on 20.03.2013 and prior to this case, the father of this petitioner had lodged a police case on 27.08.2012 against the present informant and his family members. The matter was investigated and police has submitted charge-sheet against the O.P. no. 2 and his wife for the offence under Sections 420, 406, 504 and 506/34 of the IPC. According to learned counsel for the petitioner, the present case has been filed after three months of submission of charge-sheet against the O.P. no. 2 as counter blast to the said case. The order taking cognizance apparently was beyond jurisdiction of the court below. The criminal



prosecution of the petitioner in the above facts and circumstance would amount to abuse of process of Court.

4. In view of the discussions made above, the order dated 19.11.2013 passed by the Chief Judicial Magistrate, Nalanda in G.R. Case no. 732 of 2013 is quashed and this Cr. Misc. application is allowed.

(Sanjay Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	20.07.2017
Transmission Date	20.07.2017

