

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32250 of 2014

Arising out of P.S. Case No.454 Year 2013 Thana PATNA COMPLAINT CASE District PATNA

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Pintu Pandit, Son of Prabhu Pandit resident of Village - Gosaeen Gaon, Heera Tola,
P.S. - Ghoshwari, District - Patna.

.... Petitioner

Versus

1. The State of Bihar.
2. Anant Kumar Rai son of Late Kailash Rai Resident of Village + P.O. - Paijana,
P.S. - Ghoswari, District - Patna.

.... Opposite Parties

with

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Criminal Miscellaneous No. 12563 of 2014

Arising out of P.S. Case No.454 Year 2013 Thana PATNA COMPLAINT CASE District PATNA

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1. Amol Kumar Son of Late Janardan Prasad Resident of Vill.- Choti Mohanpur,
P.O.- Khabaspur, P.S.- Pirpaiti, District- Bhagalpur, At Present Posted As
Assistant Electrical Engineer, Electric Supply Subdivision, Mokama, Patna
 2. Ramesh Thakur Son of Sri Indradeo Thakur Resident of Village- Mohamadpur
Rohua, P.S.- Bhagwanpur, District- Vaishali, At Present Posted As Junior
Engineer, Electric Supply Division, Mokama Town, Patna

.... Petitioners

Versus

1. The State of Bihar
2. Anand Kumar Rai Son of Late Kailash Rai Resident of Vill. + P.O.- Paijana,
P.S.- Ghoswari, District- Patna

.... Opposite Parties

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Appearance :

(In Cr.Misc. No.32250 of 2014)

For the Petitioner : Mr. Dhananjay Kumar, Advocate

For the State : Mr. Anil Kumar, APP

For O.P. No.2 : Mr. C.S. Prasad Singh, Advocate

(In Cr.Misc. No.12563 of 2014)

For the Petitioner : Mr. Dhananjay Kumar, Advocate

For the State : Mr. Yogendra Kumar, APP

For O.P. No.2 : Mr. C.S. Prasad Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 12-07-2017

Heard learned counsel for the parties.

2. As both quashing petitions arise out of the same



impugned order dated 10.12.2013 so both cases are being disposed of by this common judgment.

3. The petitioners have challenged order dated 10.12.2013, passed by learned S.D.J.M., Barh in Complaint Case No.454 of 2013 whereby he has taken cognizance of the offence under Sections 323 and 406 of IPC and issued summons against them to appear before the court.

4. Petitioner no.1, Amol Kumar of Cr. Misc. No.12563 of 2014 is the Assistant Electrical Engineer of Electric Supply Subdivision, Mokama, Patna whereas petitioner no.2, Ramesh Thakur at the relevant point of time was Junior Engineer in Electric Supply Division, Mokama Town, Patna. Petitioner, Pintu Pandit of Cr. Misc. No.32250 of 2014 is a private Electric Technician.

5. Allegation as levelled in the complaint against the petitioners in brief is that regular supply of electricity is not made to the village of the complainant as Pintu Pandit, the Electrician cuts off the line from the Jumphar. In this regard the complainant approached another co-accused the Assistant Engineer and Junior Engineer and on account of non-availability of material, they expressed inability to give supply of electricity. The complainant gave Rs.10,000/- for purchasing the material but electricity supply is not made to the village of the complainant regularly. Further allegation is that the



complainant submitted petition in the electric office for correction of error in the bill but was not rectified. The complainant went to the office and protested that why electricity is not being supplied regularly to his village then accused persons assaulted him with fist and slap and kicked out from the office.

6. Learned counsel for the petitioners submits that taking into account the entire allegation in entirety, no *prima facie* case under Section 406 IPC is made out. Only in order to wreck personal vengeance, this false complaint was filed as the grievance of the complainant as alleged in the complaint petition the error in his energy bill was not rectified. The complainant is a practicing advocate and in the habit of lodging false cases. Earlier too he had lodged a false complaint case against the petitioners Ramesh Thakur and other Assistant Engineers. Cognizance order taken in that case was challenged vide Cr. Misc. No.1088 of 2015 and the same was set aside by order dated 01.12.2016.

7. Learned counsel appearing on behalf of opposite party no.2 submits that the accused persons assaulted him and had taken Rs.10,000/- for purchasing some material and used that money for their own benefit.

8. Having considered the entire allegations as levelled in the complaint in totality, no *prima facie* case under Section 406 is



made out. The present complaint appears to have been filed in order to wreck personal vengeance as the complainant's grievance i.e. error in bill was not rectified so for the aforesaid reason, criminal proceeding including the order taking cognizance dated 10.12.2013, passed by learned S.D.J.M., Barh in Complaint Case No.454 of 2013 is hereby set aside.

9. The petitions stand allowed.

(Arun Kumar, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.07.2017
Transmission Date	19.07.2017

