

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18847 of 2014

Arising Out of PS.Case No. -1517 Year- 2011 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

- =====
1. Md. Shamsul Haque Son of Late Md. Sayeed Resident of Village - Babhangama, P.s.- Bihpur, District - Bhagalpr
 2. Bibi Rehana Wife of Md. Shamsul Haque Resident of Village - Babhangama, P.s.- Bihpur, District - Bhagalpr

.... Petitioner/s

Versus

1. The State of Bihar
2. Md. Maqsood Rain Son of Late Chhedi Rain Resident of Village - Babhangama, P.s.- Bihpur, District - Bhagalpr

.... Opposite Party/s

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Appearance :

For the Petitioner	:	Md. Najmul Hodda, Advocate
For the State	:	Mr. S.D. Singh Yadav, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 08-09-2017

The petitioners seek quashing of order dated 09.05.2013, passed by Judicial Magistrate, 1st Class, Bhagalpur in Complaint Case No.1517 of 2011 whereby he has taken cognizance of the offence under Sections 323, 341 and 385/34 of the Indian Penal Code.

2. Brief fact, as alleged in the complaint, is that the complainant had received ex-gretia payment of Rs.3,50,000/- as his father was killed in communal riot. It is alleged that accused persons came and threatened him to give Rs.42,000/- otherwise they would be done to death and also assaulted them.

3. Learned counsel for the petitioners challenges the cognizance order on the ground that this false case was lodged by the complainant is a counter case to Complaint Case No.306 of 2010. In



fact the present complainant had taken loan of Rs.38,000/- from the petitioners and the petitioners were demanding the money, so this false case was lodged.

4. Having considered rival submissions and on perusal of record, the Court is of the view that the defence of the petitioners-accused cannot be taken into account at this stage for setting aside the cognizance order. It is not the case that the allegations levelled in the complaint do not make out offence, so this application stands dismissed.

(Arun Kumar, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
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