

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35856 of 2012

Arising Out of PS.Case No. -1834 Year- 2000 Thana -null District- PATNA

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Dr. Balbir Singh Bhasin S/O Late Bhagwan Singh Pardesi Resident Of Sukhamani Niwas, M.I.G./242, Doctor'S Colony, Lohianagar, P.S.- Patrakar Nagar, Town & District- Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. Dr. Surjit Singh S/O Late Harnam Singh Resident Of Mohalla- Abulas Lane, Machhua Toli, P.S.- Kadamkuan, Town & District- Patna

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Ansul, Advocate.

For the State : Mr. Maduranand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 07-09-2017

1. Heard learned counsel for the petitioner and the State.

2. This application has been filed for quashing the order dated 06-02-2001 passed by Miss Rashmi, learned Judicial Magistrate-Ist Class, Patna in Complaint Case No. 1834(C) of 2000 by which, the learned Magistrate after holding inquiry u/S 202 Cr.P.C. has found prima facie against the petitioner for the offence under Sections-408, 409 & 120-B of the IPC.

3. It has been submitted that the petitioner has retired as Principal, Guru Govind Singh College on 01-09-1996. He was appointed as lecturer in Guru Govind Singh College run by the Prabhandhak Committee of Sri Takht Harmandir Jee, Patna in 1961.



After superannuation, he is leading a retired life. The complainant is a habitual litigant. He has filed series of other cases earlier as mentioned in detail in paragraphs-39 to 44 of the petition.

4. In the instant case, the allegation against this petitioner is that Guru Govind Singh College, Patna City run by Prabhandhak Committee is a minority college. The complainant has levelled allegation of various irregularities in appointment, payment of salary to the teachers and other day-to-day activity of the college in detail in the complaint petition.

5. Counsel for the petitioner has submitted that for those grievances, the complainant has alternative remedy of approaching the District Judge, Patna and also before the university u/S 35 of the Bihar Universities Act. No criminal offence is made out on the basis of allegation, made in the complaint.

6. This court after looking into allegation in the complaint, finds that general and omnibus allegation has been levelled against the petitioner pointing out various irregularities, which is alleged to have been done by this petitioner. This court after looking into the impugned order finds that the court below, in the mechanical manner, after holding inquiry, found prima facie case for the offence under Sections-408 & 409 of the Indian Penal Code.

7. The necessary ingredients of Sections-408 and 409 of the



Indian Penal Code are missing in this case.

8. Therefore, this court is of the view that the instant complaint has been filed by the complainant against this petitioner maliciously just out of vengeance and personal grudge as he has been filing series of cases against this petitioner as mentioned in detail in the instant petition.

9. Therefore, the impugned order dated 06-02-2001 passed by Miss Rashmi, learned Judicial Magistrate-Ist Class, Patna in Complaint Case No. 1834(C) of 2000 along with entire criminal proceeding against the petitioner is quashed.

10. This Cr. Misc. Application is ***allowed***.

(Sanjay Priya, J)

A.K.V./-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	03-10-2017
Transmission Date	03-10-2017

