

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.54382 of 2013

Arising out of Complaint Case No. -852 Year- 2004 Thana -MADHUBANI COMPLAINT CASE

District- MADHUBANI

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1. Babu Narayan Pathak, s/o Ramji Pathak
2. Digambar Pathak, s/o Babu Narayan Pathak
3. Pitambar Pathak, s/o Babu Narayan Pathak
4. Ramkali Devi, w/o Babu Narayan Pathak
5. Shanti Devi, w/o Pitambar Pathak, resident of village- Sahrai, Police Station-
Madhepur (R.S. Shiwir Jhanjharpur), District- Madhubani

.... Petitioners

Versus

The State Of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Md. Harun Quareshi, Advocate.
For the complainant : Mr. Manoj Kumar Jha, Advocate
For the State : Mr. J. Upadhyay, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 09-01-2017

Heard learned counsel for the petitioners and the State.

This quashing petition has been filed against the order dated 2.8.2005 passed by the Sub Divisional Judicial Magistrate, Jhanjharpur, in Complaint Case No. 852 of 2004 by which the court below has found prima facie case against the petitioner for the offence under Sections 498(A) and 379 of the Indian Penal Code.



From perusal of the record, it appears that the case has been filed on 24.12.2013, this Court by order dated 21.11.2014 directed the petitioner to file supplementary affidavit stating the stage of the case in the court below but no any supplementary affidavit has been filed in compliance of the aforesaid order.

The counsel for the opposite party No. 2 has appeared and filed a Vakalatnama. He has stated that this petition has been filed merely with a view to delay the disposal of case and harass the complainant.

Be that as it may, this Court is of the view that order dated 2.8.2005 passed by the Sub Divisional Judicial Magistrate, Jhanjharpur, in Complaint Case No. 852 of 2004 has been challenged in the year 2013 after delay of about 8 years and no any satisfactory explanation has been given in the petition for such long delay. It appears from the record that vide order dated 21.11.2014, the petitioners were directed to file supplementary affidavit stating the stage of the case in the court below but the same has not been filed in compliance of the aforesaid order. As such from conduct of petitioner it appears that he has filed the instant petition merely to delay the disposal of the case in the lower court.

Accordingly, this application is dismissed at admission



stage itself.

The court below is directed to proceed in the case in
accordance with law.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N/A.
Uploading Date	13.01.2017
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