

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35203 of 2014

Arising Out of PS.Case No. -1256 Year- 2012 Thana -BEGUSARAI COMPLAINT CSAE District-
BEGUSARAI

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1. Ishwar Mishra S/o Ramesh Mishra
2. Ramesh Mishra S/o Late Ram janam Mishra
3. Asha Devi W/o Ramesh Mishra
All Resident of Village Kachi Pakki Susta, Pandit Tola, P.S.
Bhagwanpur, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Puja Devi, W/o Late Govind Mishra, D/o Manoj Mishra, Resident of
Village Kachi Pakki, Pandit Tola, Muzaffarpur, P.S. Bhagwanpur,
District Muzaffarpur (Presently residing at Village Soakhara, Tiwari
Tola, P.S. Phulwaria, District Begusarai).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pradeep Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Lalan Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

3 11-08-2017 Heard learned counsel for the petitioners and the

State. No one appears on behalf of opposite party no.2, despite

service of notice.

The petitioners have filed this application for
quashing the order dated 13.12.2012 passed in connection with
Complaint Case No. 1256 C of 2012, whereby the Sub-divisional
Judicial Magistrate, Begusarai took cognizance under Sections
323 and 379/34 of the Indian Penal Code.

Counsel for the petitioners submits that there is no
evidence in the case diary to proceed further and the case is at the



stage of before charge evidence. He submits that in this case no one is interested and witnesses are not coming forward, hence keeping the complaint case pending against the petitioners is causing undue hardship. He submits that this petition may be disposed of with liberty to the petitioners to approach the court below and make submission with reference to the materials available on record that there is absolutely no case and it is counter blast of Muzaffarpur (Sadar) P.S. Case No. 466 of 2013, which was originated from the complaint case no. 341 of 2011 (Annexure-3).

Counsel for the petitioners is granted liberty to raise the issue with regard to malicious prosecution and lack of evidence in the instant case. If such submissions are advanced before the court below and no evidence is available in the complaint case, the court below should pass appropriate order in accordance with law.

With the aforesaid observation, this application stands disposed of.

(Anil Kumar Upadhyay, J)

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