

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42809 of 2014

Arising Out of PS.Case No. -539 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Binod Kumar Singh Son of Late Satya Narayan Singh Resident of Village -
Fatahpur, P.S.- Paru, District -Muzaffarpur
 2. Sahzad Hussain Son of Lat Alimuddin Hussain, Resident of Mohalla - Sarai,
P.S.- Kotwali, Distric - Bhagalpur
 3. Abha Kumari Daughter of Hari Chandr aPrasad Resident of Village + P.S.-
Nalanda, District -Nalanda
 4. Rajiv Kumar Son of Binay Mishra Resident of Village - Janipur - Sitamarhi,
District - Sitamarhhi
 5. Chandramauli Prasad Sigh Son of Late Uma Nath Singh Resident of Mohalla -
Bck of Savera Cinema Chandi P.S.- Barh, District - Patna
 6. Arjun Paswan Son of Late Bhagwat Paswan Resident of Village - Sultanpur,
P.S.- Mokama, District -Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Soni Devi Wife of Sudhir Singh Resident of Village - Dhibar, P.S.- Pandarak,
District -Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar, Advocate.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 13-02-2018

Heard learned counsel for the petitioners and learned
counsel for the State.

2. Petitioners seek quashing of cognizance order dated
15.01.2014 passed by the Judicial Magistrate, 1st Class, Barh, Patna in



Trial No. 3067 of 2013 arising out Complaint Case No. 539C of 2013 thereby taking cognizance of offence under Sections 323 and 504/34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that all the petitioners are officials of the Electricity Department and were the members of the raiding team, who conducted raid in the residential premises of the complainant and found them committing electrical theft. He submits that complainant's husband name is Sudhir Thakur, but in the complaint is mentioned as Sudhir Singh, and other family members were made accused in Pandarak P.S. Case No. 102 of 2013 with regard to electricity theft and the informant was Abha Kumari, petitioner no. 3 of the present application, and for malicious reason, in order to wreck vengeance against these officials, complainant lodged this false case of committing assault and insulting the complainant during raid.

4. Having considered the rival submissions and on perusal of record, the Court finds that present complaint is malicious in nature filed in order to wreck personal vengeance. It was filed against officials of the Electricity Department who made raid in the residential premises of the complainant finding commission of electrical theft leading to lodging of a police case being Pandarak P.S. Case No. 102 of 2013. This case was instituted on 13.07.2013



thereafter present complaint is filed.

5. Therefore, the Court holds that present complaint is malicious in nature. Accordingly, cognizance order dated 15.01.2014 and subsequent criminal proceeding pending in the court of Judicial Magistrate, 1st Class, Barh, Patna is hereby quashed.

6. The application stands allowed.

(Arun Kumar, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.02.2018
Transmission Date	17.02.2018

