

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34105 of 2014

Arising Out of PS.Case No. -163 Year- 2011 Thana -MUZFFARPUR COMPLAINT CASE District- MUZAFFARPUR

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1. Mansi Pandit S/O- Sri Bhagwan Pandit Vill- Puran Chhapra, P.S.- Chakia, Distt.- East Champaran.

2. Ajendra Pandit S/O- Mansi Pandit Vill- Puran Chhapra, P.S.- Chakia, Distt.- East Champaran, All present- House No.12, Jyoti Kuchi, Near Dream Land School, P.S.- Patasil Ambari, Dist.- Kamakhya, Assam.

.... Petitioner/s

Versus

1. The State of Bihar

2. Ranjit Pandit S/O- Rajeshwar Pandit Vill- Bahilwara Roopnath, P.S.- Saraiya, Distt.- Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioners : Mr. Sanjay Parasmani, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 30-01-2018

The opposite party No. 2 was noticed and notice was validly served upon him through his counsel but today at the time of hearing, none appeared on behalf of opposite party No. 2 .

Heard learned counsel for the petitioners and the State.

This petition has been filed for quashing the order dated 29-06-2011 passed by Sri A. K.Manjhi, learned Judicial Magistrate-Ist Class, Muzaffarpur in Complaint Case No. 163 of 2011 by which and whereunder, the learned Magistrate has after holding enquiry, found prima facie case for the offence under Sections-323, 341, 504, 379 of the Indian Penal Code against the petitioners.



Counsel for petitioners has submitted that the instant case has been filed by the complainant only with intention to take money from the petitioner, which will be apparent from the SA of the complainant as well as statement of his father Rajeshwar Pandit recorded during enquiry. Counsel for petitioners has further submitted that the complainant was an employee in the workshop of petitioner No. 1 Mansi Pandit. In the aforesaid shop, some Maoist put bomb and the bomb exploded. The complainant sustained injury for which, he was admitted in the hospital by petitioners. The complainant recovered and also received compensation from the government but after recovery, he sent legal notice to the petitioners to extract money and on the basis of such legal notice, he has filed the instant case making wrong allegation against these petitioners.

Learned APP has submitted that there is no illegality in the impugned order.

This court after looking into allegation in the complaint and the SA of the complainant as well as statement of father of the complainant namely Rajeshwar Pandit (CPW-1) and two other witnesses namely, Sunil Kumar and Sheonath Pandit (CPWs -2 & 3) find that the case has been filed by the complainant just to take money from the accused petitioners. Xerox copies of those statements have been enclosed with the petition. The LCR has also been received



in this case from the court below.

The complainant in his SA and his father Rajeshwar Pandit (CPW-1) in his statement have stated that instant case has been filed for taking money from the petitioners.

In this manner, from the allegation made in the complaint and the statement of witnesses recorded during enquiry including SA of the complainant, this court finds that there is no ingredient of offence under Sections-323, 341, 504, 379 of the Indian Penal Code. This case has been filed by the complainant merely to harass the petitioners to take money from them as stated by the complainant himself during SA as well as by his father.

Therefore, this court is of the view that continuance of criminal proceeding against petitioners will be mere harassment to them and abuse of process of the law.

Accordingly, the impugned order dated 29-06-2011 passed in Complaint Case No. 163 of 2011 along with entire criminal proceeding against the petitioners is quashed.

This Cr. Misc. Application is allowed.

(Sanjay Priya, J)

A.K.V./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02-02-2018
Transmission Date	02-02-2018

