

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2889 of 2016

Arising out of Complaint Case No.-2207 Year-2013 Thana- BHAGALPUR COMPLAINT
CASE District- Bhagalpur

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1. Raju Prasad Singh @ Raju Prasad S/o Tripurari Prasad Singh, Resident of Ramgarh College Colony (North), P.O.- Ramgarh, P.S. Ramgarh, District- Ramgarh (Jharkhand).
 2. Tripurari Prasad Singh, Son of Late Tarkeshwar Prasad Singh, Resident of Ramgarh College Colony (North), P.O.- Ramgarh, P.S. Ramgarh, District- Ramgarh (Jharkhand).
 3. Usha Devi Wife of Sri Tripurari Prasad Singh, Resident of Ramgarh College Colony (North), P.O.- Ramgarh, P.S. Ramgarh, District- Ramgarh (Jharkhand).
 4. Rakesh Kumar Singh @ Rajesh Prasad Singh, Son of Sri Tripurari Prasad Singh, Resident of Ramgarh College Colony (North), P.O.- Ramgarh, P.S. Ramgarh, District- Ramgarh (Jharkhand).
 5. Rajesh Kumar @ Rajesh Kumar Singh @ Rakesh Singh, Son of Sri Tripurari Prasad Singh, Resident of Dudhani Chowk, P.O.- Dumka, P.S.- Dumka, District- Dumka (Jharkhand).
 6. Archana Devi @ Archana Kumari wife of Sri Rajesh Kumar Singh, Resident of Dudhani Chowk, P.O.- Dumka, P.S.- Dumka, District- Dumka (Jharkhand).
 7. Devendra Kumar @ Chhotu @ Devendra Prasad Singh, Son of Mukesh Kumar Resident of Patratu Thermal Power Station, Ramgarh, P.O.- Ramgarh, P.S.- Ramgarh, District- Ramgarh (Jharkhand).
 8. Rekha Devi Wife of Sri Devendra Kumar @ Chhotu Resident of Patratu Thermal Power Station, Ramgarh, P.O.- Ramgarh, P.S.- Ramgarh, District- Ramgarh (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mrs. Priti Mala @ Guria wife of Raju Prasad Singh D/o Sri Bal Krishna Ray, Resident of Mohalla- Sahebganj, Champa Nagar, P.O. Champara Nagar, P.S. Lalmatiya (Nath Nagar), District- Bhagalpur (Bihar).

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Wasi Ahmad Khan, Advocate
For the Opposite Party/s : Mr. B.N. Pandey (APP)

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date : 06-07-2018

Having heard learned counsel for the parties, it is



an admitted position that for the same offence and for the same allegation between the parties on an F.I.R. lodged by the complainant as is evident from Annexure-3, prosecution against the applicants have been launched in the court of competent criminal jurisdiction in Ramgarh district- Hazaribagh in the State of Jharkhand and now on the ground that the applicant is staying in Bhagalpur on a private complaint for the same offence identical complaint case has been registered.

In my considered view, for the same set of event, once a charge-sheet has been filed after investigation into the F.I.R. by the police authorities in a competent criminal court at district- Hazaribagh for the same set of offence only on the ground that the complainant is now staying in Bhagalpur, the complaint case is not maintainable. In view of the admitted facts and the circumstances of the case, keeping in view the law laid down by the Supreme Court in the case of T.T. Antony vs. State of Kerala- **(2001) 6 SCC 181** where it has been indicated that once an offence has been registered on an F.I.R. and the prosecution launched then further proceedings for initiating fresh complaint case is not permissible and if such a complaint is filed, it can be interfered with in a proceedings under Section 482 Cr.P.C.



Accordingly, I allow this application, quash the order dated 15.06.2015 passed by the learned Sub Divisional Judicial Magistrate, Bhagalpur in Complaint Case No. 2207 of 2013, quash the aforesaid complaint case and grant liberty to the respondent to prosecute the matter in the pending case at Ramgarh district, Hazaribagh.

(Rajendra Menon, CJ)

P.K.P./-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	11.07.2018
Transmission Date	

