

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14437 of 2015

Arising Out of PS. Case No.-189 Year-2013 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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1. Keshav Kumar Ranjan Son of Ambika Paswan
 2. Ambika Paswan Son of Sone Lal Paswan Both residents of Bhagat Singh Colony (Nand Lal Mishra Lane) Surkhikal, P.S. Barari District Bhagalpur.

... .. Petitioners

Versus

1. The State Of Bihar
2. Lalita Jaiswal Wife of Sri Ashol Kumar Jaiswal of Mohalla Kathalbadi, P.S. Barari, District Bhagalpur.

... .. Opposite Partis

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Appearance :

For the Petitioners : Mr. Santosh Kumar, Advocate
For the State : Mr. Ram Priya Sharan Singh, App
For Opposite Party No.2: Mr. Raghubir Chandrayan,
Mr. Arun Kumar, Advocates

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 22-11-2019

Heard Mr. Santosh Kumar, learned Advocate for the petitioner and Mr. Raghubir Chandrayan, learned Advocate for the opposite party no. 2. Mr. Ram Priyan Sharan Singh, Learned APP for the State has rendered assistance in this case.

The petitioners, who are son and father respectively, seek quashing of the order dated 25.04.2014 passed by learned Judicial Magistrate, Bhagalpur in Complaint Case No.



189 (C) of 2013 whereby cognizance has been taken for the offences under Sections 323, 420, 504 and 506/34 of the Indian Penal Code.

Learned Advocate for the petitioners has stated at the Bar that the case has not travelled beyond the stage of cognizance. Learned Advocate appearing on behalf of the opposite party no. 2 has not disputed the correctness of the aforesaid statement.

In the complaint, it has been inter alia, averred that a land was sought to be purchased by the complainant/ opposite party no.2 and her husband from Mrityunjay Kumar Mandal for which consideration money also was paid to him but the plot of land for which there was an agreement with the aforesaid Mrityunjay Kumar Mandal was never conveyed in favour of the complainant/opposite party no. 2. While narrating the dispute with respect to the sale and purchase of land belonging to the aforesaid Mrityunjay Kumar Mandal, it has been alleged in the complaint petition that the petitioners also have been troubling the opposite party no. 2 for no apparent reason. The details of disconnection of water



supply and other acts of harassment have been stated in the complaint petition.

Learned Advocate for the petitioners submits that absolutely a false and concocted case has been lodged by the opposite party no. 2 and from the bare reading of the complaint, it would appear that the allegations against the petitioners are without context and those stand in isolation to any accusation against aforesaid Mrityunjay Kumar Mandal. The reason for falsely implicating the petitioners, it has been argued, is that the complainant and her husband are tenants of the petitioners and the petitioners had filed Title (Eviction) Suit No. 06 of 2012. This is a major cause of annoyance of the opposite party no. 2. This is perhaps the reason for false implication of the petitioners. Apart from this, it has been submitted that Title Suit No. 417 of 2010 had also been filed by opposite party no. 2 against aforesaid Mrityunjay Kumar Mandal. The petitioners have also brought on record the photo copy of the FIR which had been lodged by petitioner no. 1 against the opposite party no. 2 under various sections of the Scheduled Castes and the Scheduled Tribes



(Prevention of Atrocities) Act, 1989.

Considering these background facts, it becomes very apparent that in the present case, the prosecution is vindictive and not based on any specific accusation and with *mala fide* intentions. This Court, therefore thinks it proper and sets aside the impugned order dated 25.04.14, to secure the ends of justice.

The application stands allowed.

(Ashutosh Kumar, J)

BT/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	25.11.2019
Transmission Date	25.11.2019

