

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.648 of 2018**

Arising Out of PS. Case No.-712 Year-2017 Thana- GAYA COMPLAINT CASE District-
Gaya

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Pankaj Kumar son of Late Girender Mohan Prasad @ Late Mohan Prasad,
resident of Mohalla- Pita Maheshwar, P.S.- Civil Lines, District-Gaya.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Hari Prapanna, son of Ram Gonvind Sharma, Director, Shanti Niketan,
Academy, resident of Mohalla- Awadh Niwash, Nutan Nagar, Beldari Tola,
P.S.- Civil Lines, District- Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Smt. Sucheta Yadav

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**CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
C.A.V. JUDGMENT**

Date : 17-05-2019

Heard learned counsels for the parties.

Petitioner, by means of this application under section 482 of the Code of Criminal Procedure, has invoked the inherent jurisdiction of this Court with prayer to quash the order dated 06.10.2017 passed in Complaint Case No. 712 of 2017 by Additional Chief Judicial Magistrate, IV, Gaya, whereby and whereunder cognizance has been taken against the accused persons under sections 384, 504, 506, 500 of the Indian Penal code.

Learned counsel appearing for the petitioner submits that the allegations made against this petitioner are



false and baseless. As a matter of fact, when the petitioner did not take admission of the students of the complainant's school in his institution, the present false complaint has been filed for creating undue pressure. Moreover, when some of the ex-students of the institution got knowledge of the false allegation against the petitioner, they have written letter to the complainant and have also given cheque to return his donation, as is evident from Annexure-4 (series). It is further submitted that the learned Magistrate without considering the above materials, has passed the order taking cognizance, and as such, the same is fit to be quashed.

Heard the learned counsels appearing for the parties and perused the materials available on the record. The allegation is that the petitioner in the name of running institution demanded Rangadari of rupees one lac and on refusal threatened to make trouble for the complainant from higher authorities. It is further alleged that petitioner made false complaint to the ADG, CID who without enquiry directed the Sr. S.P., Gaya and Sr. S.P. called the complainant where he was physically and mentally tortured and harassed. From plain reading of the allegations, it appears that when the call was made by the petitioner, the



complainant did not take up the call, in such circumstances, the allegation of the complainant that rupees one lac was demanded on the phone is totally false and concocted. The complainant has further not brought on record any document to show that any complaint was filed by the petitioner before the ADG, CID. The allegations levelled appears to be totally based on hypothesis.

In view of the discussions made above, this Court finds that the order taking cognizance dated 06.10.2017 passed by Additional Chief Judicial Magistrate, IV, Gaya in Complaint Case No. 712 of 2017 is not sustainable in the eye of law and the same is, hereby, quashed.

The application, accordingly, stands allowed.

(Arvind Srivastava, J)

mcv/-

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