

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21108 of 2012

=====

Mukul Wasnik S/O Shri Bal Krishna Wasnik R/O 36, Aurangezeb Road, New Delhi.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. Sudhir Kuamr Ojha S/o Krishna Deo Ojha R/o Village and Post Lahladpur Patahi, P.S. Sadar, District Muzaffarpur.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Advocate Mr. Ashutosh Ranjan Pandey, Advocate Ms. Usha Kumari, Advocate
For the Opposite Party No.2	:	Mr. Anish Kumar, Advocate
For the State	:	Mr. S. Dayal, APP

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 31-01-2019

Heard learned counsel for the petitioner; learned A.P.P. for the State and Mr. Anish Kumar, learned counsel for the Opposite Party No. 2.

2. The present application has been filed by the petitioner under Section 482 of the Code of Criminal Procedure, 1973 for the following relief:

“That the present petition is being filed against the order dated 28.1.2011 passed by Ld. CJM, Muzaffarpur, Bihar in complaint case No. 3134/2010 wherein the Ld. CJM has summoned the petitioner along with one Ms. Vineeta Vijay for the commission of offence U/s. 420, 323, 342, 384, 504, 120B IPC.”



3. As per the complaint, the Opposite Party No. 2 is alleged to have filed Complaint Case No. 3134 of 2010 on 22.06.2007 against the petitioner and seven others in which it was alleged that a photograph of a political leader was published in the local newspaper showing her as goddess *Durga* which had hurt the sentiments of Hindus in general and the Opposite Party No. 2 in particular. It was further stated that the said complaint was initially dismissed by the concerned court and in the revision filed against the same, notice was issued against the accused. His further narration is that one of the accused called the Opposite Party No. 2 at her residence and in the presence of learned counsel got him to talk to the other accused and all assured that if he withdrew the complaint, he would be given a Congress ticket for the Kanti Assembly constituency or any other constituency in the district of Muzaffarpur. It was further alleged that a written agreement was also given to the Opposite Party No. 2 which was signed by all the accused and he was asked to handover his bio-data which he did at Delhi and he was assured of the ticket, and he was asked to return the signed agreement which he did. It is alleged that later on the ticket for Kanti Assembly was not given to him and when the Opposite Party No. 2 contacted the accused, he was asked for Rs. 15 Lakhs for getting the ticket and thereafter he was mishandled



and thrown out from their house by the Special Protection Group. It was further alleged that when the Opposite Party No. 2 went to the house of one of the accused (not the petitioner), he was abused and wrongly confined and his signature was obtained on two blank papers and in this episode, Rs. 3,000/ cash fell from his pocket.

4. Learned counsel for the petitioner submitted that being a senior leader of a national party not based in Bihar, the allegations, from a plain reading, are absurd and unbelievable. It was further submitted that the Opposite Party No. 2 in fact has admitted that he had made a deal with the accused for withdrawing the complaint on being given a party ticket and senior position in the organization, which itself proves that he was in the habit of making the false accusations with the intention to extort favours.

5. At this juncture, learned counsel for the Opposite Party No. 2 submitted that he would not be contesting the matter but if the petitioner would allege any misconduct on his part then he may also have to put his view point before the Court.

6. Learned A.P.P. submitted that once the Opposite Party No. 2, who has filed the complaint, has agreed not to pursue the matter, the Court may allow the application.

7. In the aforesaid background, without going into the merits, as the application has not been opposed by the Opposite



Party No. 2, the Court does not feel the requirement to consider the issue on merits.

8. Accordingly, the entire criminal proceeding arising out Complaint Case No. 3134 of 2010, including the order dated 28.01.2011, by which the Chief Judicial Magistrate, Muzaffarpur has taken cognizance under Sections 420, 323, 342, 384, 504 and 120B of the Indian Penal Code, as far as it relates to the petitioner, stand quashed.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	
U	
T	

