

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1936 of 2023**

Arising Out of PS. Case No.-20 Year-2022 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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BASANTI DEVI @ BASANTI PASWAN W/o Tapan Ram R/o Mohalla -
Allalpatti, P.H.T.B.D.C. Road, Rahamganj Krisna Ekai, Police Station-
Lahariasarai, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Baidya Nath Prasad

For the Opposite Party/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 03-04-2023 Heard the parties.

The present application has been filed for quashing the order dated 30.07.2022 passed in CR(P) Case No. 20/2022 by the 3rd Additional Sessions Judge cum Exclusive Special Judge SC/ST (POA) Act, Dist. Darbhanga by which the learned Special Judge has not taken cognizance against the accused persons and dismissed the complaint case of the petitioner erroneously whereas there are sufficient materials on record to take cognizance against the accused persons and several witnesses have supported the complaint case including the petitioner in their evidence which is on record.

By a detailed order, the Additional Sessions Judge-cum-Exclusive Special Judge, SC/ST (POA) Act, Darbhanga



has dismissed the compliant case. The Special Judge has examined the entire records of the case, it has discussed the evidence of the witnesses and has examined the records of the case and, thereafter, dismissed the compliant case believing it to be a false and fabricated case.

Learned counsel for the petitioner has submitted that the dismissal of the compliant case cannot be sustained as the offences as alleged in the compliant are made out against the petitioner.

I have considered the submission of the petitioner.

If a complaint case is filed malafidely then the Court will not proceed in that matter and by the impugned order the Special Judge has dismissed the complaint.

In view of the fact that no illegality or infirmity has been pointed out by the learned counsel for the petitioner in the matter and the same is covered by the judgment of *State of Haryana Vs. Bhajan Lal [1992 Supp (1) SCC 335]*, this application is dismissed.

(Sandeep Kumar, J)

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