

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9241 of 2023

Arising Out of PS. Case No.-344 Year-2018 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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NUTAN KUMARI @ NUTAN PASWAN D/O BAIDNATH PASWAN R/O
VILL.- INARABA GOTH, P.S.- DEODHA.- DISTT.- MADHUBANI, AT
PRESENT KAMLA ROAD VIDYANAGAR, P.S.- JAYNAGAR, DISTT.-
MADHUBANI

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. AMIT KUMAR SAH @ AMIT GUPTA SON OF ASHOK SAH R/O VILL.-
SAHID CHOWK, P.S.- JAYNAGAR, DISTT.- MADHUBANI

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Adv. Mr. Ravi Prakash Mr. Vinod Kumar, Adv Mr. Rajesh Kumar, Adv
For the Opposite Party/s :		Mr. Shyam Kumar Singh Mr. Mohammad Akhtar Hussain

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 06-07-2023 Heard the parties.

This application has been filed on behalf of the petitioner for quashing the order dated 23.08.2022 passed by learned Judicial Magistrate, 1st, Madhubani in Complaint Case No. 344 of 2018.

The prosecution case in short is that the O.P. No. 02 runs a textile/cloth shop and the petitioner had bought clothes of worth Rs. 40000/- and she said that she will make the payment after some days. After some days when the petitioner did not paid the said amount to the O.P. No. 02 went to her home for the



payment of the said amount but she threatened the O.P. No. 02 by saying that she will lodge a case against him under section 376 of the IPC and denied to pay him Rs. 40000/-.

This case is a counter blast to the FIR by the petitioner lodged under Section 376 against the O.P. No. 02 and on the face of it, it appears to be a malicious prosecution which should not be allowed to proceed any further.

In view of the above, this application is allowed.

Accordingly, the order dated 23.08.2022 passed by learned Judicial Magistrate, 1st, Madhubani in Complaint Case No. 344 of 2018 is hereby quashed.

(Sandeep Kumar, J)

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