

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33337 of 2015

Arising Out of PS. Case No.-100 Year-2013 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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Dr. Raghbendra Prasad Singh Son of late Bhuneshwari Prasad Singh Resident
of Opposite Hotel S. Kumar ,Station Road, Begusarai , Police Station -
Begusarai Town, P.s district Begusarai.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Navraj kumar Son of Prof. Ram chandra Prasad Singh resident of Mohalla-
Rajendra Puri, Speekar Chowk,, Police Station Kazi, Mohammadpur,
District Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prashant Kumar

For the Opposite Party/s : Mr.Lallan Kumarapp

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 26-06-2023 Heard learned counsel for the parties.

This application has been filed for quashing the
order dated 27.02.2015 passed by learned Assistant Chief
Judicial Magistrate, Muzaffarpur in connection with Kaji
Muhammadpur P.S. Case No. 100 of 2013, by which learned
Magistrate has taken cognizance under Section 341, 323, 379,
448, 504, 506 and 34 of the Indian Penal Code.

The prosecution story in short is that the informant
after undergoing piles surgery of his father he came with him at



his house. After reaching at house, he saw that the petitioner with their family were standing at the door of his house and thereafter, he entered with luggage in his house and suddenly, they started altercation with his father upon that he went to save his father then both of his sons with a motive to kill started strangulating his neck, then some passer by saved his life. It is further alleged that they were also threatening him that if his father will not give a sum of Rs. 5 lacs, then they will annihilate his whole family.

It has been submitted by the learned counsel for the petitioner that the present is a malicious prosecution arising out of matrimonial dispute for which F.I.R. has been filed by the girl side and as a result of which this malicious prosecution has been filed.

Heard the learned APP as well as the learned counsel for the opposite party no.2. The opposite party no.2 has supported the prosecution case.

From reading the F.I.R. it appears that this is a malicious prosecution to wreak vengeance against the girl's family by the husband.

This kind of prosecution should not be allowed to continue, this application is allowed.



The Kaji Muhammadpur P.S. Case No. 100 of
2013, is hereby quashed.

(Sandeep Kumar, J)

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