

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36006 of 2015

Arising Out of PS. Case No.-1402 Year-2012 Thana- COMPLAINT CASE District- Banka

Hari Shankar Pandey Son of Late Triloki Nath Pandey Resident of village -
Suhawal, P.S. Suhawal, District - Ghazipur U.P.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Firoza Khatoon Wife of Mohammad Kamruddin Mahrum Resident of
village - Jaipur, P.S. Ghoraiya, Distt. - Banka

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyendra Rai
For the Opposite Party/s : Mr.Gulnar Begumapp

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 19-05-2023 The petitioner has moved this Court for quashing
of the order dated 09.05.2014 passed by the learned Judicial
Magistrate, 1st Class, Banka in Complaint Case No.C-1402 of
2012 by which learned Magistrate has taken cognizance under
Sections 323, 354, 504 of the Indian Penal Code.

The prosecution story in brief is that the opposite
party no.2 filed a complaint before the learned Chief Judicial
Magistrate, Banka stating inter alia that after death of her
husband, she has submitted an application for the family
benefits on account of death of her husband, to the Block
Development Officer, Goraiya. Upon the said application, no
action was taken by the Block Development Officer. The



complainant kept on running to the Block Office. It is further stated that the accuse no. 3 send the driver of vehicle to the complainant house. The complainant told the accused no. 1, Hari Shankar Pandey that he had hidden the application and was forcing her to run. Upon this, the accused no. 1 started abusing her and accused no. 2 and 3 started scuffling. The accused No. 1 assaulted the complainant with a scale which caused injury in her left hand. Her two daughters were also assaulted and the cloths were torn. A pair of golden ear rings of complainant of Rs. 15000/- was taken and the complainant had kept Rs. 5000/- to purchase cloth in Eid which was snatched by the all accused person.

Learned counsel for the petitioner submits that from reading of the complaint petition no case is made out against the petitioner and therefore, this Court may quash the impugned order by which cognizance has been taken by the learned Magistrate.

I have Considered the submissions of the parties. I have also perused the materials on record including the impugned order by which the learned Magistrate has taken cognizance against the petitioner.

From reading of the complaint petition it appears



that prima facie case is made out against the petitioner for trial.

Hence, I do not find any error in the impugned order taking cognizance against the petitioner.

In view of the above, this application is dismissed.

(Sandeep Kumar, J)

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