

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18981 of 2020

Arising Out of PS. Case No.-163 Year-2018 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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1. NIRALI KUMARI W/o Suman Ranjan The then Anganwari Supervisor, Block- Benipur, Distt- Darbhanga Resident of Village- Brahmpur, P.S.- Manigachi, Distt.- Darbhanga.
 2. Suman Ranjan S/o Deo Narayan Gupta Resident of Village- Brahmpur, P.S.- Manigachi, Distt- Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. Kailash Sahu S/o Late Kameshwar Sahu Resident of Village- Shivram, P.S.- Bahera, Distt.- Darbhanga.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha
For the Opposite Party/s : Mr. Nitya Nand Tiwary

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 for the order dated 18.04.2019 by which learned Magistrate has taken cognizance against the petitioners in C.R. No. 163/2018 for the offence under sections 341, 323, 504/34 of the Indian Penal Code.

As per prosecution, complainant filed a complaint case on 04.07.2018 in which he stated that his daughter in law had applied for the post of Anganwari Sewika in ward no. 12 along with other applicants. Nirali Kumari and her husband told him that her that she is in No. 1 in merit



list, if he wants to get appointment of his daughter in law he has to give Rs. 1,50,000/-. On which complainant protested him, the accused persons started to push and assault him by fists and slaps and he further alleged that Suman Ranjan took Rs. 5,000/- from the pocket of his shirt and threatened him to stop the meeting of Ward committee and further to bear bad results. As a result complainant filed a Complaint Case No. 163/2018 against the petitioner before the court of A.C.J.M, Benipur.

The petitioner no. 1 is a government servant and petitioner no. 2 is his husband. It has been submitted by learned counsel for the petitioners that it is a malicious prosecution by the opposite party no. 2 only to pressurize the petitioner no. 1 for appointment of his daughter in law.

Mr. Jha, learned counsel appearing on behalf of the opposite party no. 2 submits that the allegation levelled by the opposite party no. 2 are serious and they have been supported by the witnesses, therefore it is not a fit case for quashing.

From the reading of the complaint, it appears that the present case is a malicious prosecution initiated by the opposite party no. 2 against the petitioner no. 1 and her husband.

Considering the same, this application is allowed.

The order dated 18.04.2019 by which learned



Magistrate has taken cognizance against the petitioners in C.R.
No. 163/2018 is hereby quashed with respect to the petitioners.

(Sandeep Kumar, J)

Ranjeet/-

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