

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22112 of 2017**

Arising Out of PS. Case No.-2898 Year-2014 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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Baidya Nath Singh Son of Late Ram Dhani Singh Resident of Village -
Keshopur, Police Station - Ayar, District - Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sheela Devi D/o Ram Narayan Yadav, W/o Mantu Kumar
3. Ram Narayan Yadav S/o Late Ram Sanesh Yadav
4. Sanjay Kumar S/o Ram Narayan Yadav
5. Manti Devi W/o Ram Narayan Yadav All are residents of Village - Ayar,
Police Station - Ayar, District - Bhojpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramashray Roy, Advocate
For the Opposite Party/s : Dr. Indihar Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-09-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The learned counsel for the petitioner submits that
the present quashing application has been filed seeking quashing
of the order dated 02.02.2016 passed by Sri N.K. Srivastava,
learned Judicial Magistrate, 1st Class, Bhojpur at Ara whereby
the Protest-cum-Complaint Case No. 2898c of 2014, SL 18 of
2015 was dismissed under Section 203 of the Cr.P.C.

3. The learned counsel for the petitioner submits that
initially the petitioner had instituted an FIR against the Opposite



Parties including his daughter-in-law who is O.P. No. 2 under Sections 341, 323, 380, 406, 504 and 34 of the Indian Penal Code. It is next submitted that police after threadbare investigation came to a considered conclusion that the allegation as alleged in the FIR was false and thus submitted final form, the petitioner, prior to submission of the final form, had filed a protest petition, it is further submitted that final form was accepted and the protest petition was treated as complaint and the said complaint case came to be dismissed by the order impugned in the present quashing application.

4. The learned counsel for the petitioner next submits that the petitioner never came to know that summons have been issued on him for giving his evidence in the complaint and as such, the petitioner was not aware about the stage of the protest case.

5. The learned APP for the State vehemently opposes the quashing application of the petitioner and submits that the allegation on the face of it appears to be malicious for the reason that the order impugned records that summons were issued, it was received by the petitioner and despite Court waiting for considerable period of time had no option but to dismiss the protest petition.



6. Considering the submission made by the learned APP for the State, the Court finds no merit in the quashing application.

7. Accordingly, the present quashing application stands dismissed.

(Satyavrat Verma, J)

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