

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11517 of 2021

Arising Out of PS. Case No.-470 Year-2019 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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MADHAV PRASAD SINGH Son of Bipin Bihari Singh Resident of Village -
Andama, P.S.- Bahadurpur, District - Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Angad Singh @ Vijay Bardhan Singh Son of Late Deo Narayan Singh
Resident of Village - Jorja, P.S.- Baheri, District - Darbhanga

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Kumar Sinha

For the Opposite Party/s : Mr. A.G.

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

3 20-07-2023 Heard the parties.

2. This application has been filed for quashing of the order dated 10.12.2019 by which learned Additional Chief Judicial Magistrate- 1st Darbhanga has taken cognizance against the petitioner in Complaint Case No. C.R. 470 of 2019 (Tr. No. 997 of 2019) registered for the offence under Sections 341, 323, 384 of the Indian Penal Code.

3. As per prosecution case, complainant stated in his complaint that the accused and complainant himself was a contractor and in the year 2012-13 in village -Jorja, they started construction work of "Primary Health Centre in which they invested 50-50 % of construction amount but after payment of



first installment Madhav Prasad Singh, has not paid the share of the complainant. On 05.01.2014, a Panchayati was held and petitioner has paid Rs. 1,51,000/- to the complainant and payment for rest of work was to be done after measurement of the scheme, but after repeated demand made by the complainant the accused has not paid rest of the money and on 08.04.2019 the accused called the complainant in his house and assaulted and abused the complainant and also obtained blank signature on the paper. Finally, the complainant lodged complaint case in the court below against the accused person.

4. It has been submitted by learned counsel for the petitioner that the opposite party no. 2 is a veteran criminal having 19 cases against him. He was also arrested by the Mumbai Police in connection with A.P.M. P.S. Case No. 116/2018 and to extort money, the present complaint case has been filed. The petitioner has earlier filed a informatory petition before the Senior Superintendent of Police, Darbhanga on 26.09.2013.

5. Learned counsel for the opposite party no. 2 submits that the opposite party no. 2 is the partner of the petitioner and the present case has been filed with true allegation.



6. I have considered the submission of learned counsel for the parties, from the materials available on record it appears that opposite party no. 2 a criminal is trying to pressurize the petitioner for which the petitioner has approached the higher authorities. This kind of malicious prosecution should not be allowed to continue.

7. Accordingly, this application is allowed.

8. The order dated 10.12.2019 by which learned Additional Chief Judicial Magistrate- 1st Darbhanga has taken cognizance against the petitioner in Complaint Case No. C.R. 470 of 2019 (Tr. No. 997 of 2019) is hereby quashed with regard to the petitioner.

(Sandeep Kumar, J)

Ranjeet/-

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