

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28235 of 2022

Arising Out of PS. Case No.-840 Year-2020 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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1. ARUN KUMAR PANDEY @ ARUN PANDEY S/o Raghubar Dayal Pandey (wrongly mentioned as Raghubir Dayal Pandey in Complaint) Resident of 48, Indrapuri, Road No.6, Near Shiv Mandir, P.O. Keshri Nagar, P.S.- Patliputra, District- Patna.
 2. Avinash Anand S/o Arun Kumar Pandey @ Arun Pandey Resident of 48, Indrapuri, Road No.6, Ner Shiv Mandir, P.O. Keshri Nagar, P.S.- Patliputra, Distric- Patna.
 3. Supriya Priyadarshni W/o Sanjiv Kumar Bera, D/o- Arun Kumar Pandey @ Arun Pandey Resident of 48, Indrapuri, Road No.6, Near Shiv Mandir, P.O. Keshri Nagar, P.S.- Patliputra, District- Patna. Presently residing at Barauni Refinery, Township, Quarter No. LFT-30, /BRTS, P.S.- Barauni, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanjiv Kumar Bera S/o Kanhai Lal Bera Resident of Barauni Refinery Township, Quarter No.F2/80, P.S.- Town, District- Betgusarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 13-07-2023 Heard learned counsel for the parties.

2. This application has been filed for quashing the order dated 06.04.2021 by which learned Judicial Magistrate-1st Class, Begusarai has taken cognizance against the petitioners in Complaint Case No. 840(C)/2020 for the offence under Sections 341, 323, 379, 34 of the Indian Penal Code.

3. As per prosecution case, opposite party no. 2 filed a



written complaint before learned Chief Judicial Magistrate, Begusarai on 18.08.2020 stating that when he was going to his quarter on way the accused persons surrounded him and started abusing him and as per allegation the petitioner no. 3 told him that she had demanded Rs. 25 Lacs from him and told him to withdraw the case but till date neither the amount was paid nor the case was withdrawn. It has been alleged that in the meantime the petitioner no. 3 exhorted the accused persons who caught hold of collar of the opposite party no. 2 and dragged him from motorcycle and all accused persons started assaulting him by fists and slaps. The petitioner no. 3 told the opposite party no. 2 to give Rs. 25 Lacs within a month or else he would be done to death. On the basis of allegation levelled the opposite party no. 2 filed a Complaint Case against the accused persons.

4. The petitioner no. 3 is the wife and other petitioners in-laws of opposite party no. 2. It has been submitted by learned counsel for the petitioners that due to matrimonial dispute this false case has been filed against the petitioners by the opposite party no. 2. The learned counsel for the opposite party no. 2 supports the allegation. From reading of the entire complaint it appears that it is a *mala fide* prosecution initiated by the husband of the opposite party no. 2 to pressurize the petitioners.



5. In these circumstances, this application is allowed.

6. The order dated 06.04.2021 by which learned Judicial Magistrate-1st Class, Begusarai has taken cognizance against the petitioners in Complaint Case No. 840(C)/2020 is hereby quashed.

(Sandeep Kumar, J)

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