

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29117 of 2022

Arising Out of PS. Case No.-85 Year-2021 Thana- TRAFFIC District- Patna

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Padmini Prasad Wife Of Sanjay Sahay R/O - C3 Pushp Raj Apartments,
Behind R.B.I. Exhibition Road, District- Patna (800001)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Muhammad Baijul Haq Son Of Nizaluddim Haq R/O Village- Bank Maner,
P.S.- Maner, District- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Akshansh Ankit
For the State : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 18-08-2023 Heard learned counsel for the petitioner, learned APP

for the State. None appears on behalf of the opposite party no. 2

despite valid service of notice.

2. This application is filed for quashing the order dated 26.08.2021 by which learned Judicial Magistrate, 1st Class, Patna has taken cognizance against the petitioner in Traffic P.S. Case No. 85/2021, giving rise to G.R. Case No. 4398/2021 registered under Sections 279, 427 of the Indian Penal Code.

3. Learned counsel for the petitioner has submitted that by the impugned order dated 26.08.2021 cognizance has been taken against the petitioner on a printed format. Learned



counsel further relied upon a judgment of this Court in the case of *Dharmesh Prasad Verma Vs. State of Bihar reported in 2017 (1) PLJR 401*. She also submits that the prosecution is *malafide* and the same cannot be continue.

4. The allegation against the petitioner is that the petitioner's car is being driven rashly and negligently dashed the car of the opposite party no. 2. It has further been submitted by learned counsel for the petitioner that this case is a counterblast to the Traffic P.S. Case No. 84/2021 dated 06.07.2021 filed against the opposite party no. 2 and the present case has been filed as a counterblast to the case filed by the petitioner. She further submits that the petitioner is a Professor and head of the department of Commerce in College of Commerce, Patliputra University, Patna.

5. Learned APP has opposed the prayer of the petitioner.

6. I have considered the submission of the parties by the impugned order which is in a printed format cognizance has been taken against the petitioner. Moreover, from reading of the F.I.R. it appears that it is a counterblast to the case filed by the petitioner against the opposite party no. 2.

7. Considering the above, this application is allowed.



8. The order dated 26.08.2021 by which learned Judicial Magistrate, 1st Class, Patna has taken cognizance against the petitioner in Traffic P.S. Case No. 85/2021, giving rise to G.R. Case No. 4398/2021 is hereby quashed with regard to the petitioner.

(Sandeep Kumar, J)

Ranjeet/-

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