

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32939 of 2015

Arising Out of PS. Case No.-1365 Year-2012 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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Anjay Aman Son of Late Ramesh Bhakt, resident of village / Mohalla - Gadai Sarai, P.S. - Hajipur Sadar, District - Vaishali.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Santosh Kumar, Son of Rajendra Prasad, Resident of Mohalla / Village - Kharthua, Gokhulpur, O.P. P.S. - Harnaut, District -Nalanda.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Khurshid Alam, APP

For the Opposite Party/s : Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

3 20-02-2023 Heard learned counsel for the parties.

This application has been filed for quashing the order dated 22.01.2015 passed in Complaint Case No. 1365(C)/2012 by which the learned Court below has been pleased to taken cognizance under Section 323 and 149 of the Indian Penal Code.

It has been submitted by the learned counsel for the petitioner that the petitioner is a Sub-Inspector of Police and the present complaint case has been filed with a malafide intention.

He has further submitted that no sanction under Section 197 is available for prosecution of the and the cognizance offences against the petitioner without sanction is



bad in law.

It has been further contended that the complaint case has been filed to pressurize the petitioner so that he should not take action against the petitioner in Harnaut P.S. Case No. 209 of 2012 and Harnaut P.S. Case No. 240 of 2012.

He further submits that the petitioner and others have filed Complaint Case No. 190-C of 2012 which was sent to police for investigation and the case was found false and on the same facts the present case has been filed.

Learned counsel for the opposite party no.2 has appeared in this case but they have not filed any counter affidavit bringing on record the sanction order. Moreover, from reading of the complaint petition, it appears that this is a case of malafide prosecution.

In these circumstances, this application is allowed.

(Sandeep Kumar, J)

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