

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43645 of 2015

Arising Out of PS. Case No.-892 Year-2003 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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Shatrughan Mishra @ Shatrughan Kumar Mishra @ Shatrunjay Mishra S/O
Late Chandramouli Mishra, Resident Of 3, Adarsh Path, North Shashtrinagar,
P.S.- Shastrinagar, District- Patna Then C.O. Anchal Adhikari, Keoti Block,
Darbhanga.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Amina Khatoon @ Anima Khatoon W/o Md. Alil, Resident of Village-
Pathara, P.S.- Keoti, District- Darbhanga.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Praveen Kumar
For the Opposite Party/s	:	Mr. Jagannath Singh
		Mr. Md. Ghulam Mustafa
For the State	:	Mr. Binod Kumar App

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

7 27-06-2023 Heard the parties.

This application has been filed on behalf of the petitioner for quashing the order dated 24.03.2015 passed by the Sessions Judge, Darbhanga in Cr. Rev. No. 523 of 2014 whereby the order dated 04.08.2014 passed by the learned Magistrate, 1st Class, Darbhanga in connection with C.R. No. 892 of 2003 has been confirmed.

Learned counsel for the petitioner submits that the petitioner is a government servant and he is being prosecuted malafidely only because he had taken steps for removal of encroachment and the O.P. No. 02 was aggrieved by the steps taken by the petitioner, moreover, no sanction has been obtained by the O.P. No. 02.



Learned counsel for the O.P. No. 02 has submitted that the allegations levelled against the petitioner have been found true during enquiry and no sanction is required because it is a private act for which the petitioner is being prosecuted.

I have heard and considered the arguments of learned counsel for the parties.

In the opinion of this Court, the allegation levelled against the petitioner seems to be false and fabricated and the prosecution has been launched with a mala fide intent.

Moreover, the present prosecution has been instituted without obtaining sanction and in view of the Judgment dated 15.06.2023 passed by the Madras High Court in the Case of *A. Srinivasulu Vs. The State* represented by Inspector of Police in Criminal Appeal No. 2417 of 2010, this application is allowed.

Accordingly, the order dated 24.03.2015 passed by the Sessions Judge, Darbhanga in Cr. Rev. No. 523 of 2014 is hereby quashed.

(Sandeep Kumar, J)

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