

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25253 of 2015

Arising Out of PS. Case No.-246 Year-2013 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. Lalit Narayan Mishra @ Lalit Kumar Mishra and Anr S/o Uma Shankar Mishra
 2. Uma Shankar Mishra S/o Late Kamod Mishra, Both are resident of Mohalla- Hindri Bazar Motihari, P.S.- Motihari Town, District- East Champaran

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Ranjit Kumar Gupta S/o Late Ganesh Sah, resident of village- Jiwdhara, P.S.- Piprakothi, District- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha

For the Opposite Party/s : Mr.Indra Kumar Singhapp

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

8 20-06-2023 Heard the parties.

This application has been filed for quashing the order dated 06.08.2013 passed by learned Judicial Magistrate, 1st Class, Motihari in connection with Complaint Case No. 246 of 2013 corresponding to Tr. No. 1439 of 2014.

It has been submitted by the learned counsel for the petitioner that the present case has been filed as a counter blast to the FIR bearing Motihari Town P.S. Case No. 42 of 2013 registered against the complainant and others and after three days of lodging of the FIR, the present complaint has been filed.

None appears for the O.P. No. 02 despite valid service of notice.



From reading of the FIR and upon perusing the materials available on record, I am of the view that the present complaint is nothing but a counter blast to the FIR bearing Motihari Town P.S. Case No. 42 of 2013 and such kind of mala fide prosecution should not be allowed to continue.

Considering the aforesaid facts, this application is allowed.

Accordingly, the order dated 06.08.2013 passed by learned Judicial Magistrate, 1st Class, Motihari in connection with Complaint Case No. 246 of 2013 corresponding to Tr. No. 1439 of 2014, is hereby quashed.

(Sandeep Kumar, J)

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