

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31583 of 2015

Arising Out of PS. Case No.-545 Year-2013 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. Bindu Nath Jha S/O Late Udai Kant Jha,
 2. Mithilesh Jha, S/O Bindu Nath Jha,
 3. Akhilesh Jha, S/o Bindu Nath Jha.
- All resident of Village- Champa, P.S.- Arer, District-
Madhubani.

... .. Petitioners

Versus

1. State Of Bihar and Anr
2. Sanjay Kumar Jha, S/O Shardanand Jha, resident of Vill.- Harilochanpur,
P.S.- Sarairanjan, District- Samastipur.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Karn, Advocate
For the Opposite Party/s : Mr. Vinod Shankar Modi, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 17-02-2023 Heard learned counsel for the petitioners and

learned APP for the State.

None appears for the opposite party no.2 despite

valid service of notice.

The present application has been filed for quashing

of the order dated 16.05.2013 passed by learned Judicial
Magistrate, 1st Class, Samastipur, in Complaint Case No. 545 of
2013, by which the learned Magistrate has taken cognizance
against the petitioners for the offences under Sections 341, 323



and 504/34 of the Indian Penal Code.

As per the F.I.R., the prosecution case is that the accused persons came to the house of the complainant on a Bolero vehicle and said that they want to take their daughter at home. When the complainant objected, the accused persons assaulted him and looted the household article as well as Rs.10,0000/- from the house of the informant. It is also alleged that when the father of the informant tried to save him, he was also assaulted by the accused persons.

Considered the submissions of the parties.

From the record, it appears that the petitioners are own father-in-law and brothers-in-law of the complainant. It also appears that earlier the wife of the complainant namely, Annu Devi had filed a complaint case against the complainant vide C.R. Case No. 344 of 2013, in which cognizance has been taken against the complainant under Sections 498-A, 323, 504/34 of the Indian Penal Code and against the order of cognizance the complainant has filed a Revision Application vide Criminal Revision No. 96 of 2014, which is apparent from Annexure-2 to this quashing petition. Therefore, it seems that this is a *mala fide* prosecution lodged against the petitioners in order to wreak vengeance.



Considering the aforesaid facts, this quashing petition is allowed.

Accordingly, the order of cognizance dated 16.05.2013 passed by learned Judicial Magistrate, 1st Class, Samastipur, in Complaint Case No. 545 of 2013, is hereby quashed.

(Sandeep Kumar, J)

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