

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23927 of 2015

Arising Out of PS. Case No.-442 Year-2012 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

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Mahesh Choudhary and Ors

... .. Petitioner/s

Versus

State Of Bihar and Anr

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhuri Lata

For the Opposite Party/s : Mr. Sanjay Kr. Tiwary APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 13-02-2023 Heard the parties.

This application has been filed for quashing of the order dated 23.07.2013 passed by the learned Sub-Divisional Judicial Magistrate, Jehanabad in Tr. No. 2486 of 2013 arising out of Complaint Case No. C-442 of 2012 by which the cognizance has been taken against the petitioners on the complaint filed by the O.P. No. 2.

Learned counsel for the petitioners submits that the petitioners are on litigating terms with the husband of O.P. No. 2 and in support of the same he relies upon Annexures 2, 2A and 3.

He also submits that from reading the allegations leveled in the complaint case, it seems that they are false in nature and due to *mala fide* intention, this false case has been filed.



Heard learned counsel for the State and the learned counsel for the opposite party No. 2.

Learned counsel for the State and the learned counsel for the opposite party No. 2 have submitted that on reading the complaint, offences are made-out against the petitioners but they have not been able to deny Annexures 2, 2A and 3.

I have considered the submissions of the rival parties.

The story propounded in the complaint seems to be improbable and the complaint has been filed by the opposite party No. 2 for wreaking vengeance against the petitioners. Any prosecution launched with *mala fide* intention for wreaking vengeance upon the accused, should be nipped at the bud.

The Hon'ble Apex Court in the case of ***State of Haryana Vs. Bhajanlal reported in 1992 SC 604***, has held that *mala fide* prosecutions should be quashed.

Considering the submissions and the law laid down by the Hon'ble Supreme Court in the case of ***State of Haryana Vs. Bhajanlal reported in 1992 SC 604***, this application is allowed.

(Sandeep Kumar, J)

Vikas/Shishir

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