

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71693 of 2018**

Arising Out of PS. Case No.-195 Year-2017 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Rajesh Jain @ Rajesh Kumar Jain son of Moti Lal Jain, resident of Anant
Ram Lane, Jain Mandir Lane, Police Station- Kotwali, District- Bhagalpur.

... .. Petitioner/s

Versus

1. State of Bihar
2. Ratan Kumar Santhalia, son of Late Satya Narayan Santhalia, resident of
Marwari Tola Lane, Police Station- Kotwali Town and District- Bhagalpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. P.N.Shahi, Sr. Advocate Mr. Sanjeev Kumar Mr.Rajeev Shekhar
For the Opposite Party/s :		Mr. Ravi Shankar Pathak

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

6 01-09-2023 Heard the learned counsel for the parties.

2. The present application under Section 482 of the Code of Criminal Procedure, 1973 has been filed by the petitioner for quashing the order dated 15th February, 2018 in Kotwali P.S.Case No. 195 of 2017, whereby the learned Chief Judicial Magistrate, Bhagalpur took cognizance of the offences under Sections 341, 323, 386, 504 and 506 of the IPC and transferred the case to the court of Additional Chief Judicial Magistrate, Bhagalpur.

3. The complainant had filed a complaint against the petitioner with allegation that when the complainant was



returning after purchasing vegetables, this petitioner stopped him as to why he had not paid Rs. 20 lakhs, which he (petitioner) demanded from the complainant. The associate of the petitioner pointed pistol to the complainant and snatched Rs. 800.

4. The learned counsel for the petitioner has submitted that it is a glaring example of abuse of the process of the Court. As a matter of fact, the parties are on litigating terms. A number of civil as well as criminal cases are pending between them, details whereof have been provided by the learned counsel at the time of argument. He has also submitted that in one of the cases for violation of the order of the court, a contempt proceeding has been initiated against the complainant.

5. On the other hand, the learned counsel for the complainant has submitted that he has already lodged a title suit in the year 2015 against the petitioner.

6. In my view, it appears nothing more than the abuse of the process of the court. Accordingly, the order dated 15.02.2018 passed in Kotwali P.S. Case No. 195 of 2017, whereby the learned court below has taken



cognizance against the petitioner is hereby set aside.

7. Consequently, the petition is allowed.

(Nawneet Kumar Pandey, J)

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