

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2697 of 2017

Arising Out of PS. Case No.-1676 Year-2017 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. Navneet Singh, son of Lal Pratap Singh, presently posted as Executive, India Power Corporation (BG) Ltd., 1st & 2nd Floor, Opposite Fire Station, P.S.- Khijarsarai, Swarajpuri Road, Gaya- 823001
 2. Neeraj Pandey, son of Sri Chandeshwar Pandey, Presently Posted as SDO-Cum- AM(Assistant Manager), India Power Corporation (BG) Ltd., 1st and 2nd Floor, Opposite Fire Station, P.S.- Khijarsarai, Swarajpuri Road, Gaya- 823001
 3. Netra Pal Singh, son of late J P Singh, presently posted As DGM Vigilance, India Power Corporation (BG) Ltd., 1st and 2nd Floor, Opposite Fire Station, P.S.- Khijarsarai, Swarajpuri Road, Gaya- 823001
 4. Gautam Kumar Behra, son Of Jaldhar Behra, presently posted as Executive Engineer, India Power Corporation (BG) Ltd., 1st and 2nd Floor, Opposite Fire Station, P.S.- Khijarsarai, Swarajpuri Road, Gaya- 823001
 5. Swapnil Sagar Son Of Surendra Singh Presently Posted As Diploma Engineer Trainee, India Power Corporation (BG) Ltd., 1st And 2nd Floor, Opposite Fire Station, P.S.- Khijarsarai, Swarajpuri Road, Gaya- 823001
 6. Anil Kumar Son Of Gauri Shankar Yadav Presently Posted As Lineman, India Power Corporation (BG) Ltd., 1st and 2nd Floor, Opposite Fire Station, P.S.- Khijarsarai, Swarajpuri Road, Gaya- 823001.
 7. Mithilesh Paswan @ Mithilesh, son of Late Sadhu Paswan Presently Posted As Line Man, India Power Corporation (BG) Ltd., 1st and 2nd Floor, Opposite Fire Station, P.S.- Khijarsarai, Swarajpuri Road, Gaya- 823001
 8. Shashi Kant, son of Ramkrit Yadav Presently posted as Line Man, India Power Corporation (BG) Ltd., 1st and 2nd Floor, Opposite Fire Station, P.S.- Khijarsarai, Swarajpuri Road, Gaya- 823001
 9. Shekhar Kumar @ Shekhar, son of Ishwar Prasad, presently posted as Line Man, India Power Corporation (BG) Ltd., 1st and 2nd Floor, Opposite Fire Station, P.S.- Khijarsarai, Swarajpuri Road, Gaya- 823001
 10. Santu Kumar @ Santu, son of Sarju Vishwakarma, presently posted as Sub Station Operator(SBO), India Power Corporation (BG) Ltd., 1st and 2nd Floor, Opposite Fire Station, P.S.- Khijarsarai, Swarajpuri Road, Gaya- 823001

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Home Dept., Govt. Of Bihar, Old Secretariat Patna-1, Bihar
2. Satyendra Kumar Sharma Son of Late Chandeshwar Sharma @ Lal Singh R/O Vill.- Tetarpur, P.S.- Khijarsarai, Distt.- Gaya, Presently R/O Vill.- Siswar, P.S.- Khijarsarai, Distt.- Gaya



... .. Respondents

Appearance :

For the Petitioners : Mr. Vagisha Pragya Vacaknavi, Advocate
For the Respondents : Mr. P.K. Verma, AAG-3

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 20-02-2023 Heard learned counsel for the petitioners and
learned counsel for the State.

None appears on behalf of respondent no.2 despite
valid service of notice in the year 2018 itself.

The present application has been filed for quashing
of Complaint Case No. 1676 of 2017 (Misc. Case No. 67 of
2017) registered for the offences under Sections 120-B, 147,
149, 323, 341, 380, 382, 384, 394, 427, 451, 452, 504, 506/34 of
the Indian Penal Code and the order dated 22.11.2017 by which
learned A.C.J.M.-VII, Gaya, has taken cognizance against the
petitioners for the offences under Sections 323, 341, 380, 382,
384, 385, 427, 452 & 504 of the Indian Penal Code read with
Section 34 of the Indian Penal Code as well as entire criminal
proceedings arising from the aforesaid complaint.

As per the complaint, the complainant is an
employee of M/S Mini Flour Mill and the petitioners are the
employees/officers of India Power Corporation (Bodh Gaya)
Limited, which used to supply electricity to M/S Mini Flour



Mill. It is alleged that the petitioners intentionally disconnected the power supply of the aforesaid Flour Mill and when the complaint of such disconnection was made by the complainant, the petitioners demanded Rs.20,000/- for fetching the continuous power supply. It is also alleged that the complainant has given Rs.5000/- per month to the petitioners. Thereafter, the petitioners further demanded Rs.30,000/- but the complainant did not give the same. It is also alleged that when the complainant went to make complain of electric supply, the petitioners misbehaved with him. It is also alleged that the petitioners came to the Flour Mill of the complainant for inspection and assaulted the complainant and when the complainant tried to contact the mill owner, through his mobile phone, the petitioners snatched the mobile phone and took away Rs.6 lakhs cash. The petitioners also took electric motor worth Rs.1,20,000/-, two chakki worth Rs.40,000/- and other articles and they have also disconnected the power supply of the mill.

Learned counsel for the petitioners submits that the petitioners are officials/employees of India Power Corporation (Bodh Gaya) Limited and this case is a counter blast of the raid conducted by the Vigilance team of the India Power Corporation Limited against the Flour Mill in which complainant was



working and after final assessment, the owner of the said Flour Mill has to pay an amount of Rs. 6,91,529/- to the India Power Corporation Limited.

Learned counsel for the State has opposed this application by contending that *prima facie* case is made out against these petitioners.

I have considered the submissions of the parties and also perused the materials available on record.

From the record, it appears that the petitioners are the officials/employees of the India Power Corporation (Bodh Gaya) Limited and the complainant is an employee of M/S Mini Flour Mill. It also appears that a raid was conducted in the said Flour Mill on 03.11.2017 by a vigilance team of the India Power Corporation Limited and the present complaint petition has been filed by the complainant just after one day of the inspection. It seems that this complaint is a counter blast to the raid conducted against aforesaid Flour Mill in which respondent no.2 was working and it is a mala fide prosecution lodged against the petitioners in order to wreak vengeance.

Considering the aforesaid facts this application is allowed.

Accordingly, Complaint Case No. 1676 of 2017



(Misc. Case No. 67 of 2017) registered for the offences under Sections 120-B, 147, 149, 323, 341, 380, 382, 384, 394, 427, 451, 452, 504, 506/34 of the Indian Penal Code and the order of cognizance dated 22.11.2017 passed by learned A.C.J.M.-VII, Gaya, as well as entire criminal proceedings arising from the aforesaid complaint are hereby quashed.

(Sandeep Kumar, J)

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