

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47040 of 2015

Arising Out of PS. Case No.-236 Year-2014 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

Most. Manorma Devi wife of Late Bachcha Mahto, resident of village and
P.O.- Ranisakarpura, P.S.- Khagaria Gangaur, Distt- Khagaria, at present
residing at E.C., 161, Maya Enclave, Mayapuri, New Delhi

... .. Petitioner

Versus

1. State of Bihar
2. Pavitri Devi wife of Parmeshwari Mahto, resident of village and P.O.-
Ranisakarpura, P.S. Khagaria Gangaur, Distt. Khagaria

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Ram Nibas Prasad, Advocate
For the Opposite Party/s : Mr. Indra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 24-04-2023 This application has been filed for quashing of the

order dated 16.06.2015 passed by learned Chief Judicial
Magistrate, Khagaria, in Complaint Case No. 236 of 2014, by
which the learned Magistrate has taken cognizance against the
petitioner for the offence under Sections 323, 341, 379/34 of the
Indian Penal Code.

As per the complaint petition, when the
complainant was at her home, she came to know that accused
persons were harvesting her crops. When the informant went to
her field and objected the same, the accused persons did not stop
and took away the crops.

Considered the submissions of the parties.



From reading of the complaint petition, it appears that the complainant and the petitioner are sisters and present complaint petition arises out of a civil dispute. Though the occurrence is said to have taken place on 11.02.2014 but the complaint petition was filed after a delay of 22 days i.e. on 04.03.2014 that too without any satisfactory explanation. Further, on reading of the complaint petition, it appears that no specific allegation has been attributed against the petitioner.

Considering the aforesaid facts and also the law laid down by the Hon'ble Supreme Court in the case of *State of Haryana v. Bhajan Lal* reported in *1992 Suppl (1) SCC 335*, this application is allowed. Accordingly, the Complaint Case No. 236 of 2014 and all other consequential proceedings arising out of aforesaid complaint petition including the order dated 16.06.2015 passed by learned Chief Judicial Magistrate, Khagaria, are hereby quashed with respect to present petitioner only.

(Sandeep Kumar, J)

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