

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66206 of 2019

Arising Out of PS. Case No.-44 Year-2018 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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1. RAJ KUMAR SHARMA Son of Late Ram Prasad Sharma Resident of Village-Dhakjari, at present Resident of Village-Mansurchak, Fatakchawk, P.S.-Mansurchak, District-Begusarai.
 2. Bhola Sharma Son of Raj Kumar Sharma Resident of Village-Dhakjari, at present Resident of Village-Mansurchak, Fatakchawk, P.S.-Mansurchak, District-Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Anil Kumar Das Son of Late Ganesh Das Resident of Village-Baro Munshi Tola, P.S-Phulwaria, District-Begusarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mauli Chaurasia
For the Opposite Party/s : Mr.Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 22-08-2023 Heard learned counsel for petitioners and learned
Additional Public Prosecutor.

2. None appears for the opposite party no. 2 despite
valid service of notice.

3. This application is filed for quashing the order
dated 02.02.2019 passed by the learned Special Judge, S.C. and
S.T. (POA) Act, Begusarai in Complaint Case No. 44-C of 2018
for alleged offences under section 323, 420, 406, 504, 506 of the
Indian Penal Code read with under section 3(i)(x)(xi) of the
Schedule Castes and Schedule Tribes (Prevention of Atrocities)



Act against the petitioners.

4. Allegation against the petitioners is of cheating with stamp papers and dispute over the money.

5. It has been submitted by the learned counsel for the petitioners that because of dispute between the parties the opposite party no. 2 had filed a false case against the petitioners.

6. From reading of the complaint case, it appears that it is basically the dispute over the return of money which is being given color of a criminal case. Moreover, it has further been argued that in the complaint case no certificate by the complainant has been filed to show that he belongs to SC category.

7. The learned counsel for the State has opposed the application.

8. I have considered the submission of the parties. From reading of the complaint it appears that it is basically a civil dispute which has been given color of criminal case. Moreover, there is no certificate produced by the complainant to prove that he belongs to Schedule Caste category, therefore, the prosecution under S.C. and S.T. Act cannot be continued on the basis of statement that he belongs to Schedule Caste category.

9. In view of the aforesaid, this application is allowed.



Accordingly the order dated 02.02.2019 passed by the learned
Special Judge, S.C. and S.T. (POA) Act, Begusarai in Complaint
Case No. 44-C of 2018 is hereby quashed.

(Sandeep Kumar, J)

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