

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52515 of 2018

Arising Out of PS. Case No.-660 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Pinthalanickal Joseph Thomas @ P.J. Thomas Son of Mr. P.J. Joseph,
 2. Sherly Thomas @ Sellari Miss, Wife of Pinthalanickal Joseph Thomas (P.J. Thomas),
 3. Mitu Kumari (Pragya Thomas), D/o Pinthalanickal Joseph Thomas (P.J. Thomas), All are resident of Das Brother's Colony, Ghasiyari Gali, P.S.- Alamganj, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chandra Bhushan Verma, Son of Late Triloki Prasad Verma, Resident of Dr. Mashuk Ali Road, Patna City, P.S.- Khajekalan, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar, Thakur, Advocate Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL JUDGMENT

Date : 16-01-2024

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. Learned counsel for the petitioners submits that the opposite party no. 2 has received the notice and thereafter appointed learned Advocate Mr. Binoy Kumar Sinha No. 1 to represent him but the case was taken on 08.01.2024 when no one had appeared on behalf of the opposite party no. 2, thereafter again the case was taken up on 10.01.2024 when no one appeared on behalf of the opposite party no. 2, today also no one appears on behalf of the opposite party no. 2.



3. Since no one is appearing on behalf of the opposite party no. 2 as such the Court cannot wait endlessly for the learned lawyer to appear in the case.

4. Learned counsel for the petitioners submits that the present quashing application initially was filed seeking quashing of the order dated 16.04.2018 passed by the learned Sessions Judge, Patna in Cr. Revision No. 457 of 2017 whereby the order dated 15.07.2017 passed by the learned Sub-Divisional Judicial Magistrate, Patna City in Complaint Case No. 660 of 2016 whereby complaint was dismissed under Section 204 of the Cr.P.C., due to non-filing of requisites Talbana within time was set aside and the opposite party no. 2 herein was permitted to file the requisites as directed by the learned Sub-Divisional Judicial Magistrate, Patna City by his order dated 15.07.2017 thus the order by which cognizance was taken revived.

5. Learned counsel further submits that during the pendency of the quashing application, I.A. No. 02 of 2023 was filed seeking quashing of the entire complaint case and the copy of the same was also served on the learned counsel appearing on behalf of the opposite party no. 2.

6. In view of the submissions made by the learned counsel for the petitioners, I.A. No. 02 of 2023 is allowed.



7. Learned counsel for the petitioners submits that the case has a chequered history. It is further submitted that petitioner no. 1 herein had instituted Khajekalan P.S. Case No. 76 of 2016 against the opposite party no. 2 and others. In retaliation of the same, the opposite party no. 2 herein instituted Khajekalan P.S. Case No. 78 of 2016 dated 08.04.2016. It is next submitted that while investigation in Khajekalan P.S. Case No. 76 of 2016 and Khajekalan P.S. Case No. 78 of 2016 was pending when the present Complaint Case No. 660 of 2016 came to be instituted by the opposite party no. 2 herein alleging therein that the petitioners came to his house, abused him and took away his golden chain as detailed in the FIR based on which cognizance came to be taken under Sections 323, 384, 504 and 34 of the Indian Penal Code by an order dated 15.07.2017 passed by the learned Sub-Divisional Judicial Magistrate, Patna City. It is also submitted that after cognizance was taken, the opposite party no. 2 was directed to file the requisites Talbana but the same could not be filed as a result of which the complaint petition came to be dismissed under Section 204 of the Cr.P.C. which was challenged before the learned Sessions Judge, Patna in Cr. Revision No. 457 of 2017 which was allowed by an order dated 16.04.2018 which is impugned in the present quashing application but subsequently by filing I.A. No. 02



of 2023, the petitioners have challenged the entire criminal proceeding arising out of Complaint Case No. 660 of 2016.

8. Learned counsel for the petitioners submits that the children of the opposite party no. 2 was studying in the school of the petitioners, namely, Little Flower High School, Patna City on account of certain altercation the children of the opposite party no. 2 were reprimanded on which the opposite party no. 2 had entered the school premises and had created ruckus which led to institution of Khajekalan P.S. Case No. 76 of 2016 by the petitioner no. 1 herein. It is further submitted that the opposite party no. 2 in order to coerce the petitioners, who runs minority institution, into submission instituted Khajekalan P.S. Case No. 78 of 2016 but during the pendency of investigation in the aforesaid FIR, the opposite party no. 2 instituted the instant Complaint Case No. 660 of 2016 with a view to further coerce the petitioners into submission so that they do not pursue Khajekalan P.S. Case No. 76 of 2016. It is next submitted that it absolutely does not stand to reason that the petitioner no. 1 who is the Principal of the School and petitioner no. 2 who is his wife and petitioner no. 3 who is daughter of the petitioners no. 1 and 2 would have gone to the house of the opposite party no. 2 and would have abused, assaulted and snatched gold chain as alleged in the complaint.



9. Learned counsel for the petitioners submits that this perhaps explains why the learned Advocate is not appearing on behalf of the opposite party no. 2 to contest the case.

10. Learned A.P.P. for the State vehemently opposes the quashing application.

11. Considering the submissions made by the learned counsel for the petitioners, the entire criminal prosecution arising out of Complaint Case No. 660 of 2016 pending in the Court of learned Sub-Divisional Judicial Magistrate, Patna City is hereby quashed.

12. Accordingly, the instant quashing application is allowed.

(Satyavrat Verma, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	16.01.2024
Transmission Date	16.01.2024

