

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5181 of 2017

Arising Out of PS. Case No.-181 Year-2011 Thana- TEGHRHA District- Begusarai

1. Anurag Kumar @ Mandhari Poddar, son of Abhay Shankar Poddar @ Paso Poddar.
2. Prashant Kumar @ Sunni Poddar, son of Sanjay Poddar.
3. Mithi Kumari, d/o Abhay Shankar Poddar @ Paso Poddar.
4. Khushboo Kumari, D/o Abhay Shankar Poddar @ Paso Poddar.
All resident of mohalla-Bhagirathi Road Teghra Gaura, P.S.-Teghra, District-Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. Bindu Devi, wife of Ajay Shankar Poddar, resident of Mohalla-Bhagirathi Road, Teghra Gaura, PS-Teghra, District-Begusarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Adv
For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 11-01-2024 1. Heard learned counsel for the petitioners and learned APP.

2. The learned counsel for the petitioners submits that the OP No. 2, despite receiving notice personally, chooses not to contest. It is next submitted that on account of dispute relating to property, the present false FIR was instituted by the OP No. 2 herein. It is next submitted that OP No. 2 is own aunt (*Chachi*) of the petitioner Nos. 1, 2, 3 and 4. It is further submitted that police, after threadbare investigation, came to a considered conclusion that the dispute was purely civil, as such, final form was submitted in favor of the petitioners, but the learned trial court differing with the police report took cognizance in a mechanical



manner.

3. The learned counsel at the cost of repetition submits that since OP No. 2 chooses not to contest despite receiving notice that amply demonstrates that the present case was instituted maliciously in order to harass the petitioner or else the OP No. 2 would have appeared and contested the case. It is thus submitted that the dispute was purely civil relating to property based on which the present case was instituted.

4. The learned APP opposes.

5. Considering the submission made by the learned counsel for the petitioners and taking into consideration the fact that police had submitted final form and the OP No. 2 chooses not to appear and contest despite receiving notice personally, the order dated 4-3-2016 passed in Criminal Revision No. 346 of 2015 passed by the learned District and Sessions Judge, Begusarai, whereby the order dated 6-1-2012 passed by the learned CJM, Begusarai, taking cognizance of the offence under Sections 341, 323, 324, 307, 504 and 34 of the IPC, has been affirmed in GR No. 320C of 2011 arising out of Teghra PS Case No. 181 of 2011, is hereby quashed.

(Satyavrat Verma, J)

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