

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5529 of 2017

Arising Out of PS. Case No.-661 Year-2011 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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SAILESH KUMAR @ SAILENDRA KUMAR Son of late Ramashish Prasad, Resident of Village Sikandarpur, P.S.- Bihta, District- Patna.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Sohrai Dusad @ Sohrai Paswan, S/o Late Janki Pd. Resident of Village-Neura, P.S.- Kutumba, District- Aurangabad.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Chandra Bhushan Prasad, APP
For the O.P. No. 2	:	Mr. Utkarsh Bhushan, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 22-01-2024 1. Heard learned counsel for the petitioner and learned APP for the State along with learned counsel for the O.P. No. 2.

2. The learned counsel for the petitioner submits that the present quashing application has been filed seeking quashing of the order dated 23.04.2013 passed in Complaint Case No. 661 of 2011 by the learned J.M. 1st Class, Aurangabad whereby cognizance of offence under Section 504 of the IPC is taken.

3. The learned counsel for the petitioner further submits that the stage of the case from the stage of cognizance



till date, has not changed, it is next submitted that from perusal of the allegation as alleged in the complaint case, it would manifest that in the nature of allegation as alleged, *prima facie*, no offence under Section 504 of the IPC is made out against the petitioner. It is next submitted that petitioner at the relevant time was the DCLR and the allegation against him in the complaint is that the O.P. No. 2 had approached him with a complain that rent receipt is not being issued by the *Karmchari* and the Circle officer, on which he had assured that the same would be issued but thereafter the present complaint came to be instituted. It is, thus, submitted that *prima faice*, even considering what has been alleged in the complaint is true then also *prima facie* no offence under Section 504 of the IPC is made out against the petitioner.

4. The learned APP for the State and learned counsel for the O.P. No. 2 are not in a position to rebut the submission of the leaned counsel for the petitioner that in the nature of allegation as alleged in the complaint, *prima facie*, no offence under Section 504 of the IPC is made out.

5. Considering the submission made by the learned counsel for the petitioner, the order dated 23.04.2013 passed in Complaint Case No. 661 of 2011 by the learned J.M. 1st Class,



Aurangabad whereby cognizance of offence under Section 504 of the IPC has been taken, **is hereby quashed.**

6. Accordingly, the present quashing application is allowed.

(Satyavrat Verma, J)

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