

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32653 of 2016

Arising Out of PS. Case No.-2032 Year-2015 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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1. Pradeep Kumar Singh, Son of Late Mohit Singh
 2. Renu Devi Wife of Sri Pradeep Kumar Singh
 3. Manish Singh @ Manish Kumar Singh @ Manish Kumar Son of Sri Pradeep Kumar Singh
 4. Anuradha Kumari, daughter of Pradeep Kumar Singh
 5. Nitish Kumar Singh Son of Sri Pradeep Kumar Singh
 6. Ravish Kumar Son of Sri Pradeep Kumar Singh All residents of Village- Damodarpur, Police Station- Rosera, District- Samastipur.

... .. Petitioner/s

Versus

1. State of Bihar
2. Madhumita Karan daughter of Sri Manoj Kumar Das resident of Village Bhagirathpur, Police Station- Sakari, District- Madhubani, presently residing in Village- Darhara, Police Station- Bahadurpur, District- Darbhanga.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jagdish Prasad Singh, Advocate
For the State	:	Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

7 18-10-2024 The present petition has been preferred by the

Petitioners under Sections 482 Cr.PC for quashing the impugned order dated 28.04.2016 passed by learned Judicial Magistrate Ist Class, Darbhanga, in Complaint Case No. 2032 of 2015 whereby summons have been ordered to be issued against the Petitioners to face the Trial for offence punishable under Section 323, 354, 379, 504 read with Section 34 of the Indian Penal Code.



2. The prosecution case as emerging from the complaint is that while the Complainant was going to Lahariyasarai, Chatti chowk, all the accused/ Petitioners herein, came in Bolero vehicle and surrounded her and started threatening, abusing and also beating her and pushed her to the ground. They also stole golden chain from her neck. When some shopkeepers and *mohall* people came, the accused persons had fled away.

3. Heard learned counsel for the Petitioners and learned APP for the State. However, nobody is present on behalf of the Opposite Party No.2 despite valid service of notice.

4. Learned counsel for the Petitioners submits that Petitioners are innocent and have falsely been implicated in this case. As a matter of fact, the Complainant wanted to marry the accused/Petitioner/Ravish Kumar, but on his refusal, he and his family members have been falsely implicated in this case. Even earlier, the Complainant had filed two criminal cases against the accused Petitioner and his family members. The first case bearing Rosra P.S. Case No. 242 of 2015 registered for the offences punishable under Sections 376(2), 120B read with Section 34 of the Indian Penal Code and the Second case being Darbhanga Mahila P.S. Case No. 67 of 2015 registered for the



offences punishable under Sections 363, 376, 506, 323, 379 read with Section 34 of the Indian Penal Code. He further submits that as per the averment in the complaint, no offence is made out. Moreover, the whole complaint is prompted by *mala fide*. There is neither any injury report, nor any purchase receipt of golden chain nor any allegation of outraging the modesty of the Complainant. He further submits that Mahila P.S. Case No. 67 of 2015 has been recently quashed by a co-ordinate Bench of this Court vide order dated 29.07.2024 passed in Cr. Misc. Case No. 10731 of 2016.

5. However, learned APP for the State supports the impugned order and submits that there is no illegality or infirmity in the impugned order.

6. I perused the case record and considered the submissions advanced by both the parties I find that no injury report was filed along with the complaint nor any purchase receipt of the golden chain which was allegedly stolen by the petitioners. As such, the ingredients of Sections applied by learned Magistrate in the impugned order are not made out. Moreover, seeing the history of litigations between the parties, the complaint appears to be prompted by *mala fide*.

7. Hence, considering the aforesaid facts and



circumstances, the present petition is allowed, quashing and setting aside the impugned order dated 28.04.2016 passed in Complaint Case No. 2032 of 2015.

(Jitendra Kumar, J.)

Chandan/
Ravishankar-

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