

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19222 of 2016

Arising Out of PS. Case No.-280 Year-2011 Thana- ARA NAGAR District- Bhojpur

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1. VINITA DEVI SINGH @ VINITA SINGH W/o Arun Singh
 2. Arun Kumar Singh @ Arun Singh S/o Brij Bihari Singh
 3. Kamlesh Kumar Singh S/o Brij Bihari Singh
 4. Akhilesh Kumar Singh S/o Brij Bihari Singh
 5. Mithilesh Kumar Singh S/o Brij Bihari Singh All are resident of Mohalla M.P. Bagh, P.S. Ara Town, District- Bhojpur

... .. Petitioner/s

Versus

1. State Of Bihar
2. Gita Devi, W/o Late Jai Prakash Saha, M.P. Bagh Ara Bhojpur, P.S. Ara Town, District- Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Sharma, Adv.
For the Opposite Party/s : Mr. Binod Kumar No.3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

9 29-11-2024 Heard Mr. Gopal Sharma, learned counsel for the petitioners and Mr. Binod Kumar No.3, learned APP for the State.

2. The instant petition has been filed for quashing the order dated 27.03.2012 passed in trial No. 242 of 2012, arising out of Ara Town P.S. Case No. 280 of 2011, by the learned Chief Judicial Magistrate, Bhojpur at Ara whereby cognizance has been taken for the offences punishable under sections 448, 323, 354, 504 read with section 34 of the IPC against the petitioners.

3. Heard both the sides and perused the order



impugned.

4. By the order impugned, the learned trial court has taken cognizance of the offences punishable under sections 448, 323, 354, 504 read with section 34 of the IPC. The main grounds taken by the petitioners to assail the order impugned are that in between both the parties there are series of litigation and the informant (O.P.No.2) has lodged several cases against the petitioners, details of which has been given in paragraph 10 of the petition. The petitioners have also lodged Ara P.S. Case No. 251 of 2011 for the offences punishable under sections 447, 448, 341, 323, 303, 504 read with section 34 of the IPC against the O.P. No.2 and further, there is a civil dispute in between both the parties particularly with regard to a house and in the F.I.R., there is no specific allegation against the petitioners. This court finds substance in the above mentioned grounds as in between both the parties, there is a series of litigation and as per the F.I.R., there was some dispute with regard to a house in between the prosecution party and the petitioners during the relevant time of the alleged occurrence and the main allegation of snatching Rs. 20,000/- from the informant is against the petitioners and 30-35 unknown persons but the same is not specific against any of them. According to the informant, the



petitioners wanted to dispossess her from her house and the said allegation shows that in between both the parties, there was a civil dispute during the relevant time and it appears that informant (O.P. No.2) has lodged her case with an intention to create pressure upon the petitioners and she has also earlier lodged several cases against the petitioners, as per averments made in paragraph 10 of the petition, which shows malafide intention on her part.

5. Accordingly, this court is of the opinion that the informant (O.P. No.2) has lodged her F.I.R. with an intention to harass the petitioners as well as create pressure upon them to settle the civil dispute, so, it will not be proper to put the petitioners on trial for the alleged offences as such prosecution or trial would not serve the ends of justice, therefore, the impugned order is hereby set aside and the instant petition stands allowed.

(Shailendra Singh, J)

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