

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73993 of 2019

Arising Out of PS. Case No.-2111 Year-2017 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

Arjun Mandal, son of late Ganesh Mandal, resident of Village-Heeralal Chowk, Ward No. 34, P.S.- Nagar, District- Begusarai.

... .. Petitioner

Versus

1. The State of Bihar
2. Lalit Mahto, Son of Bhullu Mahto, resident of Vishanpur, P.S.- Nagar, District- Begusarai.
3. Jitendra Narayan Agrawal, son of late Ravindra Narayan Agrawal, resident of Village- Mungeriganj, P.S.- Nagar, District- Begusarai.
4. Rahmat Khan, son of late Latish Khan, resident of village- Shiwari, P.S.- Cheriya Bariyarpur, District- Begusarai.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Sanjeev Ranjan, Advocate
For the State	:	Mr. Shyam Kumar Singh, APP
For the O.P. No.3	:	Mr. Ansul, Sr. Advocate
		Mr. Anshuman Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 03-04-2025 Heard Mr. Sanjeev Ranjan, learned counsel appearing for the petitioner, learned APP for the State and Mr. Ansul, learned Senior Counsel for the opposite party no.3.

2. This application has been filed for quashing the order dated 20.09.2019 passed by the learned Additional Sessions Judge, VII, Begusarai, in Criminal Revision No.285 of 2018, by which the learned Judge has dismissed the revision application filed by the petitioner and affirmed the order dated 13.08.2018 passed by the learned Additional Chief Judicial



Magistrate, IV, Begusarai, whereby and whereunder the learned Magistrate has dismissed the complaint petition filed by the petitioner.

3. The complaint case has been filed by the petitioner against the opposite party nos. 2 to 4. The petitioner is the tenant of opposite party no.3 but the petitioner disputes this fact by saying that he is the tenant of one Rajiv Kumar Agrawal @ Jolly and not the opposite party no.3.

4. As per the complaint case, the complainant is the tenant of one Rajiv Kumar Agrawal @ Jolly. It is alleged that on the date of occurrence, the opposite party nos. 2 to 4 and three unknown persons entered into the rented house of the complainant armed with *lathi*, *danda* and pistol and started abusing him by asking as to why he did not pay the rent to them. When the complainant objected, the opposite party nos. 2 to 4 assaulted him with the butt of the pistol, *lathi* and *danda* and they also demanded Rs.50,000/- from the complainant otherwise they will kill him. Thereafter, the son of the complainant gave Rs.50,000/- to the opposite party nos. 2 to 4. It is also alleged that the opposite party nos. 2 to 4 also snatched the gold chain from the neck of the son of the complainant.

5. Considering the entire materials available on



record, the learned Magistrate has dismissed the complaint case filed by the petitioner. The Revisional Court has also not interfered with the order of the Magistrate dismissing the complaint case and has also dismissed the revision application filed by the petitioner.

6. From reading of the materials on record, it appears that the petitioner has initiated a *mala fide* prosecution against the opposite party nos. 2 to 4, who are landlord of the petitioner, which is not accepted by the petitioner. This kind of *mala fide* prosecution cannot continue and therefore, the learned Magistrate has rightly dismissed the complaint petition and the same order was rightly affirmed by the revisional Court. Hence, I do not find any ground to interfere in such a private dispute, which has been launched with *mala fide* intention.

7. Accordingly, this application is dismissed.

(Sandeep Kumar, J)

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