

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7116 of 2023

Arising Out of PS. Case No.-156 Year-2020 Thana- SINGHESHWAR District- Madhepura

1. BIBI RAZYA SULTANA @ BIBI RAZAYA SULTANA D/O MD. NIZAMUDEEN ANSARI Resident of Village- Milki Dostani, Ward No- 15, P.O.- Hasai, P.S.- Dhoraiya, District- Banka, at present posted as Mahila Police Constable, Batch No.- 30, Hindi Branch, S.P. Office, Saharsa.
2. MD. AFROZ ANSHARI S/O MD. NIZAMUDEEN ANSARI Resident of Village- Milki Dostani, Ward No- 15, P.O.- Hasai, P.S.- Dhoraiya, District- Banka
3. MD. JULFIKAR ANSHARI S/O MD. NIZAMUDEEN ANSARI Resident of Village- Milki Dostani, Ward No- 15, P.O.- Hasai, P.S.- Dhoraiya, District- Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. MD. SONAZIR S/O MD. AZEEM Resident of village- Bhelwa, Warda No- 1, P.S.- Singheshwar, District- Madhepura.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Nurul Hoda
For the Opposite Party/s : Mr.Bhanu Pratap Singh

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 24-02-2026 Heard the parties.

2. This application has been filed for quashing the order dated 05.04.2022 passed by the learned Chief Judicial Magistrate, Madhepura in G.R. No. 1020/2020 arising out of Singheshwar P.S. Case No. 156/2020, whereby and whereunder, the learned Magistrate, differing with the Final Report, took cognizance of the offences under Sections 323, 420, 504 and 506/34 of the Indian Penal Code and, directed issuance of summons against the petitioners ignoring the direction, issued by the learned District and Sessions Judge, Madhepura in Criminal Revision No. 49/2021 vide order



dated 24.03.2021, whereby the learned Sessions Judge was pleased to set aside the earlier cognizance order dated 24.03.2021 passed by the learned Chief Judicial Magistrate, Madhepura.

3. Brief facts of the case is that that the complainant filed a complaint case against three accused persons alleging, inter alia, that the complainant and accused Bibi Razaya Sultana were working at the same Police Station, due to which, a cordial relationship developed between them. In the year 2015, the Bibi Razaya Sultana allegedly demanded a sum of Rs. 10,90,000/- from the complainant for construction of her house, assuring that the amount would be returned shortly. Believing her assurance, the complainant advanced the said amount. However, she allegedly delayed repayment. Upon persistent demand, she returned Rs. 4,00,000/- in two installments in the year 2017 and towards the remaining amount, issued a cheque of Rs. 6,90,000/-. When the complainant presented the said cheque before the bank, the same was dishonoured due to insufficiency of funds. It is further alleged that when the complainant along with his witnesses went to the residence of the accused, demanding the remaining amount, all the accused persons abused and assaulted them and extended criminal intimidation.

4. The investigating authorities did not find evidence and submitted a final form differing from the allegations made in the complaint. However, the learned Chief Judicial Magistrate took cognizance vide the impugned order dated 05.04.2022. The



recitals of the complaint itself shows that the dispute pertains transaction of money, which is purely of civil nature. Moreover, the learned Chief Judicial Magistrate, Madhepura, passed the impugned order dated 05.04.2022 in utter disregard of the well-reasoned order of the learned Sessions Judge, Madhepura, in Cr. Revision No. 49 of 2021, whereby the learned Sessions Judge has set aside the earlier order dated 24.03.2021 passed by the learned Chief Judicial Magistrate, Madhepura.

5. Considering the above-mentioned facts and circumstances, the impugned order dated 05.04.2022 is hereby set aside and the criminal miscellaneous application is *allowed*.

(Nawneet Kumar Pandey, J)

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