

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42457 of 2017

Arising Out of PS. Case No.-43 Year-2016 Thana- MAHILA P.S. District- Rohtas

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1. Virendra Singh, Son of Late Dharmdeo Singh
 2. Arvind Kumar
 3. Amrendra Kumar @ Arun Kumar
 4. Abhay Kumar
- From 2 to 4 are sons of Virendra Singh, All are resident of Village- Nadauvan, P.S.- Natwar, District- Rohtas.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rana Ishwar Chandra, Adv.
For the Opposite Party/s : Mr. Sri Ram Anurag Singh. APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 16-02-2026 The instant criminal miscellaneous petition has been filed by the petitioners under Section 482 of the Code of Criminal Procedure, 1973 with a prayer to quash the order dated 19.01.2017 passed by the learned A.C.J.M., Rohtas at Sasaram, in Mahila P.S. (Rohtas) Case No. 43 of 2016, whereby and whereunder learned Magistrate has taken cognizance of the offences punishable under Sections 354, 380, 459, 393, 341 and 34 of the Indian Penal Code (hereinafter referred to as the 'IPC') and the petitioners have been summoned for the said offences..

2. Mr. Rana Ishwar Chandra, learned counsel for the petitioners submits that the petitioner nos. 2, 3 and 4 are sons of



petitioner no. 1, and Opposite party no.2 who filed the FIR is the wife of the younger brother of the petitioner no.1 and in between the petitioners and O.P. No.2 there is a long standing civil dispute and further prior to the filing of the present FIR by the O.P. No. 2, two criminal cases have already been lodged from the side of the petitioners and in this regard, Annexures-4 and 5 may be perused and before filing the FIR by the O. P. No.2, a Title Suit bearing No. 2 of 2016 had been instituted in between both the parties and other agnates which was decreed on the basis of a joint compromise and after the decree of that suit the O.P. No. 2 filed an application challenging the decree on the ground that her signature on the compromise petition had been forged and that application is still sub-judice and as far as the merit of the allegation of assault made by the O.P. No.2 in her application is concerned, during the investigation, no independent person came in support of the O.P. No.2's allegations and further O.P. No.2 and her daughters denied to undergo medical treatment during investigation. It is lastly submitted that on last occasion, the O.P. no.2's counsel sought adjournment however today no one has appeared on behalf of O.P. No.2 which also indicates her malicious intention to harass the petitioners.



3. After hearing of both the sides and considering the Annexures filed by the petitioners with this petition particularly the civil dispute running in between both the parties since before the lodging of the FIR of the present matter and coupled with this fact that the FIR was lodged by the O.P. No.2 after the institution of two criminal cases against her and others, this court is persuaded to form the opinion that the O.P. No. 2 lodged her case with malafide intention to harass the petitioners and subjecting the petitioners to trial for the alleged offences of which the cognizance has been taken would only amount to harassment to them and would be an abuse of process of the court so, the order impugned taking cognizance of the alleged offences against the petitioners and subsequent criminal proceeding having initiated against them in the light of the said cognizance order are hereby set aside/quashed.

4. In the result, the instant petition stands allowed.

(Shailendra Singh, J)

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