

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27163 of 2019

Arising Out of PS. Case No.-94 Year-2014 Thana- SHRIKRISHNAPURI District- Patna

Amar Nath Son Of Dr. Shambhu Nath Resident Of Village - Indu Bhawan,
House No.3, Gandhi Nagar, P.O.- G.P.O., P.S.- Krishnapuri, Dist.- Patna
800001

... .. Petitioner/s

Versus

1. The State Of Bihar Bihar
2. Smt. Arti @ Madhu Wife Of Dr. Manoj Kumar Srivastava Resident Of
Village - M-3/30, Basawan Park, P.O.- G.P.O., P.S.- Sri Krishnapuri, Dist.-
Patna.800001

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. M.N. Parbat, Sr. Advocate Mr. Sanjay Kumar Jha, Advocate
For the Opposite Party/s	:	Mr. Jharkhandi Upadhyay, APP
For the O.P. No. 2	:	Mr. Raj Kumar Goshwami, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 20-01-2026 Heard the learned counsel for the petitioner, learned
APP for the State and the learned counsel for the O.P. No. 2.

2. This application has been filed for quashing the order of cognizance dated 12.11.2014, passed by the learned Judicial Magistrate 1st class, Patna, in connection with Sri Krishnapuri P.S. Case No. 94 of 2014 (Tr. No. 3549 of 2014) by which cognizance was taken of offences under Sections 341, 323, 504 of Indian Penal Code against the present petitioner.

3. The prosecution case, in brief, is that the informant was running a hostel in a building known as *Nikhil Cottage*. The children residing in the hostel were facing acute water problems,



regarding which the informant informed the landowner. The landowner asked her to get the boring repaired through any mechanic, stating that he would not bear the expenses. Accordingly, the informant engaged a mechanic, and on 14.03.2014 the repair work of the boring was started. The said repair work was intermittently supervised by the landowner. However, on 23.03.2014, the landowner suddenly abused the mechanic, forcibly snatched his tools, and also took away the pipe purchased by the informant. It is further alleged that since the boring was not functioning properly despite repairs, the mechanic continued to work, and during this period she frequently visited the site, upon which the landowner levelled false allegations against her. The informant further stated that under Section 10 of the Bihar Building (Rent, Eviction & Control) Act, stopping basic amenities to a tenant amounts to a criminal offence. She therefore requested that the landowner desist from such acts and allow the continuance of basic facilities.

4. The learned Senior counsel for the petitioner submits that the FIR was initially registered under Sections 341, 323, and 379 of the Indian Penal Code and the charge sheet was submitted under Sections 341, 323, and 504 IPC. The



cognizance was taken by the learned Judicial Magistrate 1st Class, Patna, on 12.11.2014, and Tr. No. 3549 of 2014 was initiated. He further submits that the petitioner has been falsely implicated in this case due to personal enmity. This case is a counterblast to Sri Krishnapuri P.S. Case No. 93 of 2014, filed by the petitioner on 22.03.2014 against the first informant and others for theft of boring pipes, misbehaviour, and threats. In that case, the accused, Smt. Arti @ Madhu, had taken part of the petitioner's house on rent but refused to vacate after the lease expired on 14.03.2014, demanding ₹2 lakhs for vacating the premises.

5. The learned Senior Counsel for the petitioner further submits that the petitioner owns a house named *Indu Bhawan* in Gandhi Nagar, Sri Krishnapuri Police Station area, which was rented to the first informant under a lease that expired on 14.03.2014. When the petitioner requested the informant to vacate, she refused, stopped paying rent, and filed multiple cases to pressure the petitioner. These included B.B.C. Case No. 29 of 2014, which was decided against the informant on 11.12.2014, and Title Suit No. 5298 of 2014, dismissed by the learned Sub-Judge VIII, Patna on 19.07.2016. The first informant vacated the premises in 2014. He further submits that



the present case was filed with malafide intent to exert pressure on the petitioner to abandon his lawful claim for eviction. No specific allegations of overt acts have been made against the petitioner in the first information report; rather, he is accused with vague and sweeping allegations linked to a land dispute. The investigation revealed that none of the witnesses were eyewitnesses, and their statements were inconsistent with the informant's version. The dispute is clearly a civil matter related to the tenancy of the petitioner's property, as reflected in the contradictory statements of the witnesses.

6. The learned Senior Counsel for the petitioner further submits that even if the allegations are taken as true (which the petitioner denies), no offence under Sections 341, 323, or 504 IPC is made out against the petitioner. The case is primarily a civil dispute, and the criminal proceedings are being used to apply undue pressure on the petitioner. The prosecution has been initiated with malafide intentions to harass the petitioner, using the criminal forum for a civil dispute. There is no legal evidence against the petitioner, and the case concerns a civil dispute regarding tenancy, not a criminal matter. Therefore, the continuation of these proceedings amounts to an abuse of the court's process and should be quashed.



7. In support of his submission, the learned Senior Counsel for the petitioner has relied upon a judgment of the Hon'ble Supreme Court in the case of ***State of Haryana & Ors V/s Bhajan Lal & Ors, 1992 Supp (1) SCC 335.***

8. Per-contra, the learned APP appearing for the State and the learned counsel for the O.P. No. 2 have vehemently opposed the prayer of the petitioner.

9. After considering the arguments of all parties and the materials on record, it is clear that the present case is primarily a civil dispute related to tenancy, and there is no legal evidence to sustain the criminal charges against the petitioner. The prosecution appears to have been initiated with malafide intention in order to harass the petitioner and exert undue pressure. The allegations against the petitioner, even if accepted at face value, do not constitute the offence as alleged. In the opinion of this Court, the continuation of the criminal proceedings in this case would be an abuse of the process of the court.

10. In light of the principles laid down in ***Bhajan Lal (Supra)*** and the facts of the case, the impugned order of cognizance dated 12.11.2014 and the consequential proceedings arising out of Sri Krishnapuri P.S. Case No. 94 of 2014 are



hereby quashed.

11. The application stands allowed.

12. Pending application(s), if any, shall also stand disposed of.

Shishir/-

(Sandeep Kumar, J)

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