

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47088 of 2023

Arising out of PS. Case No.-365 Year-2022 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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Gourav Priyadarshi, Son of Bipin Thakur, R/o-Gosaidaspur, (PURANI Sarai),
P.S.-Nathnagar, Distt.-Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manju Devi, Wife of Vijay Kumar Mishra, R/o-Gosaindaspur, P.S.-
Nathnagar, Distt.-Bhagalpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Jha, Advocate
	:	Ms. Nitu Kumari, Advocate
For the State	:	Mr. Pranav Kumar, APP
For the OP No. 2	:	Mr. Pankaj Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANSUL
ORAL JUDGMENT

Date : 04-05-2026

Heard learned counsel for the petitioner, learned counsel
for the Informant and learned Additional Public Prosecutor for the
State.

2. Petitioner seeks quashing of the order dated
07.06.2023 passed by learned Sessions Judge, Bhagalpur in Cr.
Revision No. 124 of 2022 as well as the order of cognizance dated
09.06.2022 passed by learned Judicial Magistrate, 1st Class,
Bhagalpur in Complaint Case No. 365/2022 by which he has taken
cognizance for the offences u/s 323 and 448/34 of the Indian Penal
Code.



3. The allegation against the petitioner is that on 09.03.2022 at 9.30 P.M. the accused persons entered the house of the complainant. There is no allegation of assault against the petitioner and the only allegation against him is that at the fag end of the complaint he is said to have threatened to withdraw the case.

4. Learned counsel for the petitioner submits that there is an earlier case which was filed by the informant bearing Nathnagar P.S. Case No. 101 of 2022. In the earlier case filed by the informant the petitioner is not an accused. He is an Engineer. Moreover, the husband of the complainant had filed a Title Suit No. 117 of 2014 against father of the petitioner on 10.11.2014 which is pending adjudication.

5. That there is a civil dispute between the parties and there is an attempt to settle the dispute through criminal prosecution as well as the fact that there is no specific allegation against the petitioner and he has a future which would be disturbed by such proceedings.

6. Learned counsel for the informant as well as learned Additional Public Prosecutor for the State has vehemently opposed the quashing of the orders dated 07.06.2023 and 09.06.2022.

7. In such view of the matter, the order dated 07.06.2023 passed by learned Sessions Judge, Bhagalpur in Cr. Revision No.



124 of 2022 as well as the order of cognizance dated 09.06.2022 passed by learned Judicial Magistrate, 1st Class, Bhagalpur in Complaint Case No. 365/2022 by which he has taken cognizance for the offences u/s 323 and 448/34 of the Indian Penal Code is quashed so far as the petitioner is concerned.

8. Accordingly, the present petition is allowed.

(Ansul, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	

