

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31993 of 2016

Arising Out of PS. Case No.-1724 Year-2011 Thana- SARAN COMPLAINT CASE District-
Saran

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Monu Kumar Raja, S/o Satish Kumar Singh, Resident of Mauna Banganj,
P.S- Chapra Town, District- Saran.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. Sunil Kumar
3. Mintu Kumar Both Sons of Lallan Prasad Resident of Mohalla- Daldali
Bazar, P.S- Chapra Town, District- Saran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dineshwar Mishra, Advocate
For the Opposite Party/s : Ms. Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL JUDGMENT

Date : 17-07-2026

Heard Mr. Dineshwar Mishra, learned counsel for the
petitioner and Ms. Pushpa Sinha, learned A.P.P. for the State.

2. The petitioner has challenged the order dated
14.01.2016 passed by the learned 8th Additional Sessions Judge,
Saran at Chapra, whereby a Criminal revision application
No.155 of 2014 filed by the petitioner has been rejected.

3. Learned counsel for the petitioner submits that an
FIR was lodged by the complainant with regard to the fact that
the accused persons had all assembled together and, in
connivance, had hurled bombs on the house of the complainant,
causing severe damage.



4. Learned counsel for the petitioner has pointed out that the police in connivance with the accused persons submitted a final form and prior to the same, the petitioner had in fact filed a protest application. It has been submitted that the said protest was converted into a complaint petition, being Complaint Case No.1724 of 2011 and the petitioner as well as other witnesses were examined and the Court, after examination, has erroneously dismissed the complaint and has gone into meticulous reading of the evidence led on behalf of the complainant, which is impermissible in law. It has further been submitted that from the averments made in the statements of the witnesses, it would be clear that a case of Section 307 of the Indian Penal Code and Section 3/4 of the Explosive Substances Act, 1908, is prima facie made out and therefore, the dismissal of the complaint and the revision, thereafter relying on the said evidence, cannot be permitted.

5. It has lastly been submitted that from prima facie reading of the FIR, it would be evident that there is enough evidence on record for cognizance being taken against the accused persons.

6. Learned APP for the State has submitted that from perusal of the impugned order as well as the final form, which



has been brought on record, it would be evident that after thorough enquiry by the police, the case was found to be not true.

7. Learned APP for the State has drawn the attention of this Court towards the recital made in the order contained in Annexure-3 of the present application, wherein the learned Chief Judicial Magistrate, Saran, has taken note of the fact that at the relevant time the complainant and his family members were tenants in the premises of the accused persons and an eviction suit was filed by the accused persons against the complainant and the same was adjudicated in favour of the accused persons and in due process of law, the complainant and the family members of the complainant were evicted from the suit premises. It has thus been submitted that it was in this backdrop the present case was lodged, which was noticed and held to have been lodged as an afterthought only to settle personal scores.

8. Considering the aforesaid submissions advanced by the learned counsel for the petitioner as well as the learned APP for the State this Court takes note of the fact that the police, after thorough enquiry, did not find any evidence of the alleged acts committed by the accused persons and has submitted final



form, however, on the protest of the petitioner, the same was treated as complaint case and after examination of the witnesses, the learned Chief Judicial Magistrate, Saran, has opined that the allegations as made in the complaint were supported by the witnesses in a standardized manner and the case, was filed on account of the fact that the petitioner was the tenant in the premises of the accused persons and was evicted from the same in due process of law, it was only thereafter that the present FIR was lodged, which was not found true by the police.

9. This Court also takes note of the fact that the police, after thorough examination, which included recording of statements of the witnesses and the inspection of the place of occurrence, did not find any evidence in support of the allegations levelled in the FIR.

10. From perusal of the FIR, it is also evident that the written report contains the fact of the eviction suit being decreed in favour of the accused persons and there was a revision application pending before this court and during this period, the said action is stated to have been taken by the accused persons.

11. Though there is reference to the neighbours coming to the place of occurrence and dousing the fire, which was caused by the accused persons, no such evidence was found



by the police during the course of the investigation and therefore, this Court also finds that the present case was an outcome of using the criminal court as a platform for settlement of his personal dispute, which was apparently civil in nature.

12. The Hon'ble Supreme Court of India in the case of *State of Harayan vs. Bhajan Lal*, reported in **1992 Supp (1) SCC 335 at Para 102** has given direction to quash cases in such circumstances *"Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge"*.

13. This Court is of the opinion that the present case is one of such cases where in order to take revenge from the accused persons an account of fact that the complainant was ousted from the house of the accused, pursuant to eviction orders, the FIR was lodged.

14. The Hon'ble Supreme Court recently reiterated the above law as under in the case of *Anukul Singh vs. State of Uttar Pradesh and Anr.* reported in **2025 INSC 1153**, the relevant paragraph of the said judgment is quoted hereunder:

"21. The High Court, in refusing to quash the proceedings, misdirected itself in law by failing to



apply the ratio laid down in Bhajan Lal, and the subsequent authorities referred to above, which uniformly hold that the machinery of criminal law cannot be permitted to be misused for settling civil disputes or to wreak vengeance”.

15. In view of the above, this Court does not find any illegality in the order impugned.

16. The present application stands dismissed.

(Sourendra Pandey, J)

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AFR/NAFR	NAFR
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