

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

Arising Out of PS. Case No.-221 Year-2016 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

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Upendra Prasad, Late Raghuni Mahto, Resident of Village- Baram Sarai, P.S.-
Ghosi, District- Jehanabad at present Process Server, Anchal Office, Arwal

... .. Petitioner

Versus

1. The State of Bihar
2. Manju Devi, Late Lal Babu Singh, Resident of Village- Chhotaki, Ahiyapur,
P.S.-Arwal, District - Arwal

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 27-07-2026

1. Heard the parties.

2. This is an application for quashing the order dated 11.09.2017 passed in complaint case no.221/16 (Tr. No.1376/17) by learned Sri Madwendra Singh, S.D.J.M, Arwal, by which he has pleased to take cognizance under Sections 465, 420 of the IPC against the petitioner, pending in the court of S.D.J.M. Arwal.

3. The prosecution case in brief is that one Manju Devi, w/o late Lal Babu Singh, of village- Chhotki Ahiyapur filed a complaint petition before the court of learned C.J.M. Arwal, stating therein that on 21.03.2016 at



about 10 A.M. to 4 P.M. Sima Kumari filed a petition before the court of Circle Officer, Arwal for mutation of her land vide case no.1865. The complainant alleged that the petitioner in collusion with accused Sima Kumari put her false signature of the complainant and also Sandhya Kumari upon notice issued from the Circle Officer, Arwal. The complainant further stated that the petitioner did not meet ever complainant and Sandhya Kumari. The complainant further stated that Sima Kumari made forged signature of the complainant and Sandhya Kumari on consent paper for the purpose of grabbing the share of the complainant, and also to obtain order from the court. The complainant further stated that after knowing the aforesaid fact, complainant took certified copy of the same exercising Right to Information Act, on 21.06.2016 and informed the police station but the police did not took any action against accused persons.

4. With aforesaid allegation, the present complaint was registered with learned C.J.M., Arwal on 27.06.2016 as complaint case no.221 of 2016 for the



offences punishable under Sections 419, 420, 465, 467, 468 and 472 of the Indian Penal Code (in short 'IPC'). After registration, complaint was transferred to the court of learned S.D.J.M., Arwal for hearing and disposal, wherein the statement of complainant was recorded under oath and after enquiry, the learned Judicial Magistrate took cognizance for the offences punishable under Sections 465 and 420 of the IPC against the petitioner and two other co-accused persons.

5. It is submitted by learned counsel appearing for the petitioner that petitioner is a government servant and posted as *Peon* in the Office of Circle Officer, Arwal. It is further submitted that being *Peon*, he never visited village Chhotki Ahiyapur of the complainant and nor came to village Bara P.S. Kurtha Dist. Arwal. It is further submitted that merely on the basis of suspicion that the petitioner is in official capacity helped opposite party in mutation process of the disputed land, he was implicated with present case.

6. Arguing further, it is submitted that the complaint in issue is not supported by affidavit and on this



ground alone same is likely to be quashed in view of legal report of Hon'ble Supreme Court as available through ***Priyanka Srivastava Vs. State of Uttar Pradesh [2015 (6) SCC 287]***. It is also submitted that from the perusal of complaint, it can be gathered safely that no criminal case is made out against this petitioner and therefore, the cognizance order dated 11.09.2017 deserves to be quashed in view of legal report of Hon'ble Supreme Court as available through ***State of Haryana and Others vs. Bhajan Lal and Others*** reported in ***1992 Supp (1) SCC 335***.

7. Considering the aforesaid submissions and upon perusal of record, it appears that the complaint as filed by OP no.2 not appears supported by affidavit, contrary to the legal report as available through ***Priyanka Srivastava Case (supra)*** and furthermore, the complaint case only raised suspicion against this petitioner, who is working as *Peon* with the Office of Circle Officer, Arwal.

8. In view of aforesaid factual submissions and by taking note of guidelines as available through ***Bhajan Lal Case (supra)***, the impugned cognizance order dated



11.09.2017 qua petitioner is hereby quashed/set aside along with consequential proceedings.

9. Accordingly, the present petition stands allowed.

10. Let the copy of judgment be communicated to the learned trial court forthwith, with TCR, if any.

(Chandra Shekhar Jha, J.)

Raushan/-

AFR/NAFR	NAFR
CAV DATE	N/A
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