

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.24816 of 2010**

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Lal Deo Pandey son of late Narsingh Pandey, resident of village Lok Nath  
Sairwan, P.S. Mali, District Aurangabad

.... .... Petitioner/s

Versus

1. The State of Bihar
2. Lalita Devi w/o Chandu Paswan, R/o vill. Loknath Bhairwan, P.S. Mali,  
Distt. Aurangabad

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Kamendra Prasad Singh, Advocate

For the State : Mr. Binod Kumar, Advocate

For Opposite Party No.2 : Mr. Gangandeo Yadav, Advocate


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**CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH**  
**ORAL ORDER**

3      28-06-2013      The Petitioner seeks quashing of the entire proceeding including the order of cognizance dated 16.7.2007 passed by the Chief Judicial Magistrate, Aurangabad in Mali P.S. case No.18 of 2006 under Sections 341, 323 I.P.C. and 3(X) of the SC/ST Act.

The Opposite Party No.2 filed a Complaint on 3.12.2005 before the Chief Judicial Magistrate, Aurangabad submitting therein that on 19.8.2005 while she was sitting in the fields the accused No.1 came there and started to hit her, on account of which she sustained injuries. She was also chased by the accused persons whereafter while Accused Nos.2 and 3 caught her and felled her down on the ground and spat on her face. The rest of the accused persons also thereafter came but when she raised a hulla the accused persons fled away. She further alleged that they were abusing her by caste name.

It appears that on 19.8.2005 the Opposite Party No.2 had



filed a Complaint before the Officer Incharge, Mali P.S. wherein she mentioned that while she was grazing her cows, accused Laldeo Pandey came there and started to assault her, on account of which she sustained injuries. The reason for the dispute was the entry of cattle in the fields. After the said complaint was filed, a proceeding under Section 107 Cr.P.C. was initiated on 25.10.2005 between the parties. Two months after the initiation of the proceeding the present complaint was filed on 3.12.2005.

On going through the unimpeachable documents vide Annexure-2, I find that even though the Informant had stated about the same cause of action modifying the date she did not allege the participation of any of the accused persons except Laldeo Pandey nor was there any allegation with regard to assaulting or abusing her by caste name. In the light of Section 107 Cr.P.C. proceeding, I would be inclined to hold that the present First Information Report has been instituted maliciously to substantiate her case in the proceeding.

In the result, the application is allowed and the entire proceeding including the order dated 16.7.2007 passed by the Chief Judicial Magistrate, Aurangabad in Mali P.S. case No.18 of 2006 is hereby quashed.

**(Anjana Prakash, J)**

Narendra/-