

IN THE COURT OF SHRI ANIMESH RANJAN

JUDICIAL MAGISTRATE (F.C.), GOGARI, KHAGARIA || Court No.02

Complaint Case No.194C/2024

Nitu Devi Vs. Bego Yadav & Ors.

Contd....
22.06.2026

Therefore, it is crystal clear that the complainant does not want to proceed with the case.

4. Considering the above facts and circumstances of the case it appears that the complainant has been given sufficient opportunity to follow up his case, but remained reluctant in approach leads to conclude that complainant is not interested in the instant case. Further it is crystal clear that the complainant does not want to proceed with the case. There is no material on record for proceeding. **Therefore, this Court deems it fit to dismiss the instant complaint under Section 203 Cr.P.C. or Section 226 of B.N.S.S.**

5. Office Clerk is directed to recall processes, if any and comply with other procedural requirements. Let this record be consigned to the record room accordingly.

Case Stands Disposed.

Dictated



J.M.F.C, Gogari.

Date of Order	
Date of reserving Order	
Uploading date	
Uploaded by	

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Date	ORDER WITH INITIALS OF THE JUDGE	Remarks
22.06.2026	1. The record has been placed before the Court on hearing on the point of issuing summoning orders. Upon careful perusal of the record, it is evident that the complainant, Nitu Devi, has instituted the present complaint case against eight accused persons, namely 1. Baigo Yadav, 2. Bhawesh Yadav, 3. Pritam Yadav, 4. Tanvir Yadav, 5. Ankit Yadav, 6. Ravin Yadav, 7. Karo Yadav, 8. Pandav Yadav, all residents of village Bandhera, Ward No.9 Police Station- Pasraha, District- Khagaria. 2. It is observed that the complainant was directed to appear before the Court and argue on point of issuing summon, with the final opportunity granted vide order dated 02.06.2026. Despite being provided more than four separate dates for the purpose, the complainant has consistently failed to appear before the Court. Furthermore, the complaint was filed on 10.09.2024, and more than twenty one months have elapsed since then. This prolonged inaction clearly demonstrates the complainant's lack of interest in prosecuting the case. 3. The Hon'ble Supreme Court in <i>Pepsi Foods Ltd. v. Special Judicial Magistrate</i>, (1998) 5 SCC 749, has ruled that summoning of an accused in a criminal case is a serious matter. Criminal law cannot be set into motion as a matter of course. Further, Magistrate has to carefully scrutinise the evidence brought on record and may even himself put questions to the complainant and his witnesses to elicit answers to find out the truthfulness of the allegations or otherwise and then examine if any offence is prima facie committed by all or any of the accused.	