

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.302 of 2016

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1. ASHISH KUMAR HALDER @ ASHISH HALDER S/o Late Niranjana Halder, Resident of Flat No.301, Lotus Apartment, Block-A, New Patliputra Colony, Patna- 800013.
 2. Sushil Kumar Pansari, Son of Late Binod Kumar Pansari, resident of B-4/B Pushpa Vihar Apartment, Exhibition Road, Police Station- Gandhi Maidan, District- Patna- 800001.

.... Petitioners

Versus

1. The State of Bihar Through The Director General of Police, Bihar.
2. The Senior Superintendent of Police, Patna.
3. The Officer-in-Charge, Kotwali Police Station, Patna.
4. Mr. Shashi Bhushan Kumar, Investigating Officer, Kotwali Police Station, Patna.
5. Amar Jyoti Sharma, son of Gyandeo Sharma, Resident of Nayantara Sadan, Boring Road, District- Patna-800001.

.... Respondents

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Appearance :

For the Petitioners : Mr. Ambuj Nayan Chaubey, Advocate

For the Respondents : Mr. Harish Kumar, GP-32

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

6 07-09-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The present application has been filed for quashing of the First Information Report of Patna (Kotwali) P.S. Case No. 23 of 2016 registered under sections 147,149,452,379,387 and 120B of the Indian Penal Code, pending in the court of the learned Chief Judicial Magistrate, Patna.

It is submitted by learned counsel of the petitioners that the accusations have been levelled in the background of serious contractual dispute, hence the criminal prosecution has malafidely been launched to wreak vengeance.



In view of this Court, the First Information Report, suggesting commission of a cognizable offence, can be quashed if the accusations, even accepted under their face value, do not, prima facie, constitute any offences against the accused justifying investigation by the Police Officer under Section 156(1) of the Cr.P.C. or the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which, no prudent person can ever reach to a conclusion, that there is sufficient ground for proceeding against the accused or there is express legal bar under the Cr.P.C. or under any law for institution or continuation of such proceeding or where the criminal prosecution has been malafidely or maliciously instituted with an ulterior motive for wreaking vengeance on the accused due to private or personal grudge.

In view of this Court, the present case does not come within the abovementioned parameters which permit the Court to quash the criminal prosecution of a cognizable offence.

Accordingly, this application is disposed of with liberty to the petitioners to raise all the contentions on submission of final report under Section 173(2) of the Cr.P.C.

Anil/-

(Dinesh Kumar Singh, J)

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