

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24695 of 2014

Arising Out of P.S.Case No. -42 Year- 2013 Thana -PATNA CITY CHOWK District- PATNA

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1. Abhilash Kochgaway @ Chhotu S/o Sheo Kumar Sinha
 2. Golu @ Ashutosh Kochgaway S/o Sheo Kumar Sinha
 3. Sheo Kumar Sinha S/o Late Dr. Sachidanand Sinha all are resident of - Haziganj, Kartar Singh Garage, P.S.- Chowk, Dist.- Patna
 4. Pinku S/o Badri Narayan resident of Biwiganj Danapur Cannt, P.S.- Danapur, Cannt Dist.- Patna

.... Petitioners

Versus

1. The State of Bihar
2. Mahendra Paswan S/o Late Bhagwat Paswan resident of Om Awash Coloney, Kartar Singh Garage, Hazigabnj, Patnacity, P.S.- Chowk, Dist.- Patna

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Rajesh Mohan, Advocate
For the Opposite Parties : Mr. Ramshankar Das, Special PP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 23-06-2017 Heard both sides.

The petitioners seek quashing of the order dated 18.07.2013 passed in Patna City Chowk P.S.Case No.42 of 2013 passed by ACJM, Patnacity whereby and whereunder the court below took cognizance of offence under Section 341, 323, 324, 504/34 of the IPC and Section 3 (x) of the Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the petitioners.

The facts in brief is that the informant submitted a written report to the SHO of Chowk Patnacity police station



alleging inter-alia that his Thela (pull-cart) was parked at his door. At about 9 P.M., all the accused persons came and started abusing the informant taking his caste name and threatened the informant to park the thela somewhere else and when the people gathered there, all the accused persons threw power of the spices upon them causing nausea. Accordingly, FIR was registered under the aforesaid sections.

The learned counsel for the petitioners submits that the informant along with some goons made trouble with the petitioners and their family members in different manner for realizing money in the name of contribution. The demand was refused by the petitioners whereupon the informant threatened of dire consequences. The petitioner no1 had filed an informatory petition in the Court of ACJM on 02.02.2010. Besides that the wife of petitioner no.3 had filed a Criminal Writ No.651 of 2011 before this Court for their security from the informant and his men. The informant and his family members are in the habit of lodging criminal cases against the petitioners. The allegation of abusing has been levelled only to bring the case in the purview of SC/ST Act. The impugned order is not sustainable and is fit to be quashed.

The learned Special P.P. opposed the submissions.



On perusal of the material on record, I find that the specific allegation against these petitioners is that they abused the informant naming his caste in public view. The matter was investigated and police submitted chargesheet against all the petitioners under different Sections of the IPC and Section 3(x) of the SC/ST Act. It further appears that the petitioners had moved this Court for quashing the FIR vide Cr.Misc.No.20733 of 2013 which was dismissed by one of the Bench of this Court on 09.05.2014.

In view of above facts, I find that no case for quashing the impugned order is made out. Accordingly, this application is dismissed.

(Sanjay Kumar, J)

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