

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20758 of 2015

Arising Out of PS. Case No.-319 Year-2014 Thana- SUGAULI District- East Champaran

Sanjay Kumar Jha son of Baldeo Jha, resident of Village- Bagehi, P.S.-
Sugauli, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Prem Sheela Devi Wife of Sanjay Kumar Jha, resident of Village- Bagehi,
P.S.- Sugauli, District- East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baidya Nath Thakur
For the Opposite Party/s : Mr. Yogendra Kumar APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 12-02-2018

In the instant case notice was issued to the opposite party no.2 which has been validly served. None appeared on behalf of the opposite party no.2-informant.

The instant application under Section 482 of the Code of Criminal Procedure has been filed for quashing the F.I.R. bearing Sugauli P.S. case no. 319 of 2014 dated 3.9.2014 corresponding to G.R. No. 4348 of 2014 lodged under Sections 406,420, 498A, 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that the instant case filed by the petitioner is total abuse of the process of law. The informant wants issuance of direction to the Station Head Officer of Sugauli Police Station for ensuring arrest of the petitioner on account of non payment of ad-interim



maintenance of Rs. 3000/- (Three thousand) per month to her, granted vide order dated 21.10.2011, passed by the Principal Judge, Family Court, Motihari, East Champaran in Maintenance Case no. 27 of 2011 under Section 125 of the Code of Criminal Procedure.

Learned counsel for the petitioner has submitted that for the offence under Section 498A and other allied Sections the informant has already filed Sugauli P.S. case no. 222 of 2013 which is already pending (Annexure-2)

From the allegation made in the written report of the instant case (Sugauli P.S. case no. 319 of 2014) it appears that main grievance of the informant is that the order passed by the Family Court for maintenance in Maintenance Case no. 27 of 2011 is not being complied. Therefore, prayer has been made to direct the S. H.O. to ensure arrest of the petitioner after executing the warrant of arrests against him. The police has registered the instant F.I.R. vide Sugauli P.S. case no. 319 of 2014 on the basis of the aforesaid written report of the informant.

From perusal of the written report, this Court finds that no case is made out for the offence under Sections 406, 420, 498A, 504 and 506 of the Indian Penal Code against the



petitioner on the basis of allegation made in the written report.

This Court is unable to understand how a police has lodged the F.I.R. against the petitioner. Therefore, the aforesaid F.I.R. lodged by the police on the basis of written report of the informant is hereby quashed.

The Cr. Misc. application is, accordingly, allowed.

(Sanjay Priya, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
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