

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44753 of 2014

Arising Out of PS.Case No. -87 Year- 2012 Thana -PATNA GRP CASE District- PATNA

=====

Dr. Sanjeet Kumar @ Sanjeet Kumar Son of Ravindra Prasad Singh Resident of Village : Baurhi, Police Station : Dhanurua, District - Patna. At present posted as Lecturer Department of Physics Y.S.N.M. College, Daltanganj, District - Palamu (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Pushpa Kerketa D/o Bhatary Urana Kerketa resident of Duru, Police Station - Bero, District - Ranchi.

.... Opposite Party/s

=====

Appearance:

For the Petitioner/s : Mr. Bishwanath Prasad Singh, Advocate.
For the Opposite Party/s : Mr. Mukeshwar Dayal, APP.

=====

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL JUDGMENT

Date: 22-06-2018

Heard learned counsel for the petitioner as well as learned APP for the State.

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the cognizance order dated 13.05.2013 passed by Railway Judicial Magistrate, Patna in Bakhtiyarpur Rail Police Station (Rail P.S. Fatuha) Case No. 87 of 2012 whereby the learned Magistrate took cognizance of the offence under Sections 379 and 354 of the Indian Penal Code against the petitioner.

It has been submitted by learned counsel for the



petitioner that the petitioner happens to be Assistant Professor in Physics department of S.Y.N.M. College, Daltanganj and was doing research work related to UGC project under Dr. Manoranjan Kar, Assistant Professor, I.I.T., Patna and for the said purpose he was at Patna from 24.12.2012 to 27.12.2012. It is further submitted that her sister Tinki Singh was married to one Saurav Kumar @ Shravan Kumar in the year 2011 on the basis of the information gathered from the matrimonial advertisement in the newspaper to the effect that aforesaid Saurav Kumar is an engineer which proved to be false and her sister was subjected to torture over non-fulfillment of dowry demand. So she filed a complaint against her husband and in-laws including elder brother of her husband namely Sanjay Singh and due to filing of the aforesaid case, elder brother of her husband hatching conspiracy got the aforesaid case lodged against the petitioner by the sister of his maid. No such occurrence as alleged ever took place and there is no material on record indicating the complicity of the petitioner in the occurrence. Hence, taking of the cognizance of the offence against the petitioner is sheer abuse of process of law. Hence, impugned order is liable to be quashed.

From perusal of the record, it appears that the Bakhtiyarpur Rail Police Station (Rail P.S. Fatuha) Case No. 87 of 2012 was instituted under Sections 379 and 354 of the Indian Penal



Code against the unknown miscreant on the basis of written report of Pushpa Kerketa with the allegation in succinct that on 27.12.2012 while she was proceeding to Dhanbad by Train No. 1884 DN. Danapur Tata Train, the person sitting beside her developed intimacy with her and assured her to manage job for her and accorded his visiting card. Thereafter, he started teasing her at Rajendra Nagar Railway Station. On protest made by her, he started slating her and snatched her purse containing cash of RS. 1500/- and her attire at Fatuha Railway Station.

Aforesaid case was investigated by the police and on conclusion of the investigation and finding the case true, I.O. submitted chargesheet under Sections 379 and 354 against the petitioner and on perusing the F.I.R., case diary and material available on record and finding making out of prima facie case under Sections 379 & 354 of the Indian Penal Code against the petitioner, learned Magistrate took cognizance of the offence under Sections 379 and 354 of the Indian Penal Code against the petitioner by the impugned order.

Petitioner has assailed the impugned order on the ground that he is an Assistant Professor in Physics department of S.Y.N.M. College, Daltanganj and responsible person and he cannot undertake such an act. He has been falsely implicated in the case by



hatching conspiracy by elder brother of the husband of his sister namely Sanjay Singh by setting the sister of his maid, who happens to be informant as his sister had lodged a case under dowry act against the said Sanjay Singh and others, but the petitioner has not filed any document regarding the filing of the aforesaid case by his sister against the said Sanjay Singh or any relation of the maid of Sanjay Singh with the informant in buttress of his case.

In the facts and circumstances of the case, I do not find any infirmity and impropriety in the impugned order and any substance in the petition. Accordingly, this quashing petition is dismissed.

(Prakash Chandra Jaiswal, J)

Mishra/-

AFR/NAFR	AFR
CAV DATE	N.A.
Uploading Date	04.07.2018
Transmission Date	04.07.2018

