

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17440 of 2017

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Baxi Brij Nandan Prasad @ Brijnandan Prasad @ Sohan Lal @ Brij Nandan Lal, S/o Late Shambhu Nath Prasad, Resident of Village- Murar, Police Station- Murar, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Director General of Police, Bihar, Patna.
3. The Sub-Inspector Police, Shri Rajesh Kumar Dubey, Digha Police Station of the District Patna.
4. Geeta Devi, W/o Shyamjee Prasad, Resident of Village- Murar, Police Station- Murar, Distt- Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjayu Kumar Singh
For the Respondent/s : Mrs. Babita Kumari, AC to SC-1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-08-2018 Heard learned counsels for the parties.

The present writ application has been filed for payment of Rupees Five lacks as compensation to the petitioner for the alleged defamation faced by him due to lodging of a frivolous criminal case being Bhojpur (Ara) P.S. Case No. 357 of 2011.

It is submitted by learned counsel for the petitioner that Ara Nawada P.S. Case No. 357 of 2011 was lodged with frivolous accusation under Sections 341,343,504 and 379 of the Indian Penal Code by Respondent No. 4 against the petitioner. Though on conclusion of investigation final form (charge-sheet) was submitted and consequently cognizance was also taken vide



order dated 3.11.2012 by learned C.J.M., Bhojpur at Ara, but the same was challenged by the petitioner before this Court vide Cr. Misc. No. 13965 of 2013 and a Bench of this Court vide order dated 18.04.2016 quashed the order of cognizance dated 03.11.2012 including the entire prosecution case of Ara Nawada P.S. Case No. 357 of 2011 along with proceeding of Complaint Case No. 788(C) of 2011 filed by the petitioner against the Respondent No. 4. Since due to lodging of frivolous case the petitioner was subjected to defamation hence he claims the payment of Rupees Five lacs as he suffered loss of reputation.

The averments made in the present writ application as well as the order dated 18.4.2016 passed in Cr. Misc. No. 13965 of 2013 do not mention the specific accusation for which the FIR was lodged against the petitioner.

A counter affidavit has been filed on behalf of Respondent No. 3, the then Sub-Inspector of Police wherein it has been stated that Respondent No. 4, Geeta Devi submitted a written report before Respondent No. 3, disclosing the cognizable offence. Consequently, the instant FIR was registered and after conclusion of investigation, charge sheet was submitted.

On receipt of the information with regard to



commission of a cognizable offence, FIR is registered under Section 154 of the Cr.P.C. It appears from the materials available on record that after registration of the FIR, on conclusion of the investigation, the final form (charge-sheet) was submitted and the order of cognizance was passed on 3.11.2012 by the learned Chief Judicial Magistrate, Bhojpur at Ara. A Bench of this Court quashed the prosecution case as well as the complaint case lodged by the petitioner against Respondent No. 4. Since both sides are related to each other, moreover, civil suit was pending before the Civil Court between the parties. Moreover, mere quashing of the criminal prosecution does not entail a right upon the accused to claim compensation for loss of reputation.

In view of the discussion made above this Court does not find any merit in the writ application. It is accordingly dismissed.

However, dismissal of the present writ application will not preclude the petitioner to take recourse to other remedy in law available to him.

(Dinesh Kumar Singh, J)

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