

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38457 of 2019

Arising Out of PS. Case No.-568 Year-2018 Thana- Patliputra District- Patna

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Manish Kumar Son of Sri Sukhdeo Mahto Resident of Mohalla - Gosai Tola,
Kuti Machine Street, P.O. - G.P.O., P.S.- Patliputra, Town and District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukeshwar Dayal, Advocate
Mr. Vikas Mohan

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 01-07-2019 Heard Mr. Mukeshwar Dayal, learned Advocate for

the petitioner and Mr. Ram Priya Sharan Singh, learned

Additional Public Prosecutor.

The petitioner seeks quashing of the F.I.R.,
namely, Patliputra P. S. Case No. 568 of 2016 dated
02.12.2018 which has been instituted for the offence under
Sections 354 (A), (B) and (D) read with 34 of the Indian
Penal Code.



The informant has alleged stalking and physical contact by the petitioner which is a sexual misdemeanor against her and her sister.

Mr. Mukeshwar Dayal, learned Advocate for the petitioner submits that the arriere-pensee for filing the case is not to seek justice but to force the family members of the petitioner to accept the proposal of marriage of one of the girls of the family of the informant with him.

The other limb of argument of Mr. Dayal is that assuming everything in the averments made in the F.I.R. to be true, no offence under Section 354 (B) can at all be said to have been made out. It is not the case of the informant that any attempt was made to disrobe her. If that be so, the purpose behind lodging the F.I.R. with such allegation becomes loud and clear i.e. mainly to put the petitioner and other accused persons to such embarrassment that they would kneel down.

This Court is afraid, such grounds cannot be the basis for quashing the F.I.R. when the matter is still being investigated. There could be substance in the submissions



urged on behalf of the petitioner that the motive behind lodging the case could be different; nonetheless unless the truth of the allegation is established, it would be too much for the petitioner to ask for quashing of the F.I.R. only on the basis of such statements. The fact that the allegations do not make out a case under Section 354 (B) would be seen by the investigating agency while submitting report under Section 173 Cr.P.C.

This Court while passing this order is conscious of the fact that the powers of the police to investigate is plenary and no fetters can be put on such powers. Nonetheless, such observation has been made on the basis of the allegation levelled in the F.I.R. which according to the submission of the petitioner do not make out a case under Section 354(B) of the Indian Penal Code.

With the aforesaid observation / direction, this petition stands disposed off.

Before parting, it is made clear that the investigating agency shall conclude the investigation within a reasonable period of time as the petitioner is a young



student and any pendency of a criminal case would hamper
his future prospects.

(Ashutosh Kumar, J)

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