

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78326 of 2019

Arising Out of PS. Case No.-594 Year-2019 Thana- KATIHAR District- Katihar

UMESH PRASAD S/o Narayan Prasad Mahto R/o Sakin- Mirchai Baadi,
Satsang Mandir Road, P.S.- Nagar Sahayak, District- Katihar

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Jawahar Lal Mahto S/o Late Mahavir Mahto R/o Sakin- Mirchai Baadi,
Satsang Mandir Road, P.S.- Nagar Sahayak, District- Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Samir Kumar

For the Opposite Party/s : Mr.Ramchandra Sahni

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 02-12-2019 Heard the parties.

This application has been filed for quashing of FIR being Nagar Sahayak P.S.Case No.594 of 2019 dated 11.9.2019, registered under Sections 341, 323, 448, 380, 354, 354(B), 504 and 506 of the Indian Penal Code.

Grounds for quashing is that the petitioner is *gotia* of the informant and there is a partition suit between them and earlier to the present case, he had lodged a case against the informant. As such continuance of the prosecution will be an abuse and lead to unnecessary harassment to the petitioner.

Heard learned APP, who has opposed this application on the ground that as the allegation made in the FIR on its face



value makes out a case against the petitioner under Sections 341, 323, 448, 380, 354, 354(B), 504 and 506 of the Indian Penal Code and as such there is no merit in this application

Having heard both sides. So far quashing of the FIR is concerned, it is well settled that this Court generally does not interfere in the investigation and orders for quashing of the FIR except under extraordinary circumstances on the ground of *mala fide* or FIR does not disclose/constitute a cognizable offence or on the very face value, contents of the FIR are so absurd and inherently improbable on the basis of which no prudent person can ever reach to a just conclusion that there is sufficient ground for proceeding against the accused or unless the same is barred under any statutes. However, in the present case, there is no such ground available.

In view of the above, I find no merit in this application.

Accordingly, this application is dismissed.

(Vinod Kumar Sinha, J)

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