

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37807 of 2016

Arising Out of PS. Case No.-282 Year-2015 Thana- GAIGHAT District- Muzaffarpur

Ajay Kumar S/o Dhanveer Prasad Singh Resident of Village- Jarangdih P.S Gaighat, District Muzaffarpur at Present residing in Mohalla Chandrakok Chowk, PS Kazi Mohammadpur, District Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Ram Tabakya Sharma, S.I. Gaighat P.S., Distt. Muzaffarpur through Sr. S.P., Muzaffarpur
3. Jagdish Ram, S/O Late Tejan Ram
4. Binod Ram, S/O Jagdish Ram
5. Subodh Ram, S/O Jagdish Ram, All are R/O Village – Jarangdih, P.S. - Gaighat, District – Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Shiva Shankar Sharma, Advocate
For the Opposite Party/s :	Ms. Rita Verma, APP
For the Opposite Parties :	Mr. Chandrashekhar Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

6 05-11-2020 Heard Mr. Shiva Shankar Sharma, learned Advocate for the petitioner, Mr. Chandrashekhar Anand, learned Advocate for the Opposite Parties and Ms. Rita Verma, learned APP for the State.

This is an application seeking quashing of the FIR of Gaighat P.S. Case No. 282 of 2015 dated 19.10.2015 instituted for the offences under Sections 388 and 194 of the Indian Penal Code as also the Charge Sheet No. 284 of 2015 dated 08.12.2015 submitted under Sections 388 and 194 IPC.

It is the case of the petitioner that he had filed



a complaint case No. 1222/2015 which gave rise to Gaighat P.S. Case No. 153 of 2015, after the same was transferred under Section 156(3) Cr. P.C.

It has been alleged by the petitioner in the aforesaid complaint/FIR that the accused persons had illegally captured the land of the complainant (petitioner) and on protest being made, demanded Rs. 1 lakh as extortion money. When this case was pending investigation, the Investigating Officer of the case maliciously filed the subject FIR in a hurried manner with accusation under Section 388/194 IPC. However, charge sheet in the aforesaid case has been submitted which fact has been taken note of by the court which passed an order on 28.10.2016, and issued notice to opposite parties no. 3 to 5 and also directed for no coercive steps be taken against the petitioner.

Mr. Shivshankar Sharma, learned Advocate for the petitioner is not in a position to inform this Court whether cognizance in this case has been taken.

In all its probability, the cognizance of this case would have been taken as there was no stay of proceedings before the court below in the subject FIR.

In that view of the matter, this Court instead of entertaining the present petition, gives the liberty to the petitioner to challenge the order of cognizance before an



appropriate forum. All the grounds which have been raised here could be urged while challenging the order of cognizance.

The petition stands disposed of accordingly.

(Ashutosh Kumar, J)

krishna/-

U		T	
---	--	---	--

