

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39257 of 2021

Arising Out of PS. Case No.-82 Year-2019 Thana- NIMCHAKBATHANI District- Gaya

MD. IRFAN ANSARI @ MD. IRFAN AHMAD Son of Md. Wasi Alam
Resident of Village- Bathani, P.S.- Nim Chak Bathani, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Afsari Khatoon Wife of Md. Irfan Resident of Village- Bathani, P.S.-
Manchak, Bathani, District- Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Yadav, Advocate
For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 28-04-2022 Heard the parties.

The petitioner has preferred this application for quashing of the FIR being Nimchak Bathani P.S. Case no. 82 of 2019 registered under sections 307, 498A, 323, 341 and 34 of the Indian Penal Code.

As per the prosecution case, it is stated by the informant-Opposite Party no. 2 that she was married to the petitioner herein. On 28.6.2019 at 11 am while she was in her room, her sister-in-law started to abuse her and thereafter assaulted her. The assault was followed by her being assaulted by her father-in-law. It is further stated that her husband, the petitioner herein was instigating the accused persons.



It is submitted by learned counsel for the petitioner that from perusal of the FIR itself it would transpire that it was a trivial family dispute which has been blown out of proportion. No such occurrence ever took place. No offence under the alleged sections is made out against the petitioner and thus it is prayed that the FIR be quashed.

Having heard learned counsel for the parties and on perusal of the FIR, it transpires that specific allegations have been made by the informant-Opposite Party no. 2 against the accused persons. The law as laid down by the Hon'ble Supreme Court for quashing of the FIR is clear. The statements made in the FIR have to be taken at their face value and accepting the same to be true, only in case no offence is made out that the FIR can be quashed.

Having heard learned counsel for the parties and on going through the materials on record including the contents of the FIR, this Court finds no merit in the instant application and as such the application is dismissed.

(Partha Sarthy, J)

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