

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1486 of 2017

Arising Out of PS. Case No.-207 Year-2016 Thana- PARBATTa District- Khagaria

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Ashwani Kumar, son of Laxman Bhagat, Resident of Village - Babughat, P.S.-
Sultanganj, District Bhagalpur.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department Of Home,
Govt. Of Bihar, Patna
2. The Director General of Police, Bihar, Patna.
3. The District Magistrate, Khagaria.
4. The Superintendent of Police, Khagaria.
5. The Dy. S.P., Khagaria.
6. The Station House Officer, Parbatta Police Station Khagaria.
7. Dr. Kundan Son of Radhika Raman Prasad Sinha at present posted as Block
Development Officer, Parbatta, District - Khagaria and resident of Village
Pokharpur, P.O. P.S. Pawapuri, District Nalanda.

... .. Respondents

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Appearance :

For the Petitioner/s	:	In person
For the Respondent/s	:	Mr. Md. N.H. Khan, S.C.-1

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 05-04-2023 Heard the petitioner in person and learned counsel
for the State.

This application has been filed for quashing of the
F.I.R. vide Parbatta P.S. Case No. 207 of 2016 registered for the
offences under Sections 387, 353 and 506 of the Indian Penal
Code.

The prosecution case is that the Block Development
Officer, Parbatta, District- Khagaria has submitted a written



report to the Station House Officer, Parbatta Police Station stating therein that on 30.07.2016 at about 5:00 P.M. he received a call on his mobile from mobile no.9155936613 threatening to kill him and also demanding illegal gratification in connection with crop damage compensation. It has also been alleged that the informant has apprehension that it is the petitioner who had called him and demanded illegal gratification in connection with crop damage compensation.

The petitioner has submitted that the present F.I.R. has been lodged by the Block Development Officer, Parbatta because of mala fide and malicious reason. He further submits that as per the F.I.R. the incident is of 30.07.2016 and the F.I.R. has been lodged on 01.09.2016 i.e. after one month of the incident.

Learned counsel for the State has opposed this application.

I have considered the submissions of the parties and perused the materials on record.

From F.I.R. it appears that the incident is of 30.07.2016 and the F.I.R. has been lodged on 01.09.2016 i.e. after a delay of one month that too without any satisfactory explanation, which creates serious doubt about the authenticity



of the prosecution case. Moreover, the informant himself stated that he has apprehension that the petitioner has made a call to him for ransom. In these circumstance, this Court is of the view that the present F.I.R. has been lodged by the informant only with a view to harass the petitioner, who is a student.

Accordingly, this application is allowed and the F.I.R. vide Parbatta P.S. Case No. 207 of 2016 registered for the offences under Sections 387, 353 and 506 of the Indian Penal Code and all consequential proceedings arising out of the said FIR are quashed in the interest of justice.

(Sandeep Kumar, J)

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