

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10635 of 2021

Arising Out of PS. Case No.-554 Year-2018 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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1. RAJEEV RANJAN @ RAJU S/o Rajeshwar Singh Resident of Village-Leruan, Post Office-Kanchanpur, Police Station-Sasaram (M), District-Rohtas. At present resident of Mohalla-Baulia Road, Adarsh Colony, Gali No.6, Police Station-Sasaram Town, District-Rohtas.
 2. Rajeshwar Singh S/o Late Gurucharan Singh Resident of Village-Leruan, Post Office-Kanchanpur, Police Station-Sasaram (M), District-Rohtas. At present resident of Mohalla-Baulia Road, Adarsh Colony, Gali No.6, Police Station-Sasaram Town, District-Rohtas.
 3. Uma Devi W/o Ganeshwar Singh @ Ujhakun Resident of Village-Leruan, Post Office-Kanchanpur, Police Station-Sasaram (M), District-Rohtas. At present resident of Mohalla-Baulia Road, Adarsh Colony, Gali No.6, Police Station-Sasaram Town, District-Rohtas.
 4. Kumari Nisha W/o Rajeev Ranjan Resident of Village-Leruan, Post Office-Kanchanpur, Police Station-Sasaram (M), District-Rohtas. At present resident of Mohalla-Baulia Road, Adarsh Colony, Gali No.6, Police Station-Sasaram Town, District-Rohtas.
 5. Shashikant Singh @ Shashi S/o Ganeshwar Singh Resident of Village-Leruan, Post Office-Kanchanpur, Police Station-Sasaram (M), District-Rohtas. At present resident of Mohalla-Baulia Road, Adarsh Colony, Gali No.6, Police Station-Sasaram Town, District-Rohtas.
 6. Raj Narayan Singh S/o Bigan Singh Resident of Village-Mokram, Post Office-Telari, Police Station-Kudra, District-Kaimur.
 7. Ashish Ranjan @ Pintu S/o Late Baban Singh Resident of Village-Paknahiya, Post Office-Udaypur, Police Station-Sanjhauli, District-Rohtas.
 8. Premlata Devi @ Premlata Ranjan @ Gudiya W/o Ashish Ranjan Resident of Village-Paknahiya, Post Office-Udaypur, Police Station-Sanjhauli, District-Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vijay Kumar Singh S/o Late Jagu Singh Advocate, Resident of Village-Gijwahi, Post Office-Karwandiya, Police Station-Sasaram (M), District-Rohtas.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh, Advocate
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 18-08-2023 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for opposite party no. 2.

2. At the very outset, learned counsel for opposite
party no. 2 has died, therefore, he is unable to assist this Court.

3. This application has been filed for quashing of
order dated 05.03.2020 passed by learned A.C.J.M, Rohtas at
Sasaram in Complaint Case No. 554 of 2018 by which learned
Magistrate has taken cognizance against the petitioners for the



offences under Sections 323, 384, 504 and 506 of the Indian Penal Code.

4. It is alleged that accused persons assaulted the complainant and also looted Rs. 20,000/- from him.

5. It has been submitted by learned counsel for the petitioners that both parties are close relative and known to each other and petitioner no. 1 is the brother-in-law of the complainant. It has further been submitted that complainant was in the habit of filing false case and the present case has been filed by him falsely against his relatives.

6. From reading of the complaint, it appears that complainant has launched this prosecution against accused persons malafidely. The Hon'ble Supreme Court in case of ***Mahmood Ali & Ors Vs. State of U.P & Ors*** in Criminal Appeal No. 2341 of 2023 has held as under:-

“(12)At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (CPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the Court owes a duty to look into the FIR with care and a little more closely. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, etc., then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary Ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the



FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482 of the CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged.”

7. The opinion of this Court that the present prosecution case is nothing but a malicious prosecution for wreak vengeance upon accused persons.

8. In view of the aforesaid facts and the law laid down by Hon’ble Supreme Court in case of ***Mahmood Ali & Ors Vs. State of U.P & Ors*** in ***Criminal Appeal No. 2341 of 2023***, this application is allowed. The impugned order dated 05.03.2020 passed by learned A.C.J.M, Rohtas at Sasaram in Complaint Case No. 554 of 2018 is hereby quashed in the interest of justice.

(Sandeep Kumar, J)

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