

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1757 of 2017

Arising Out of PS. Case No.-197 Year-2017 Thana- JAMUI District- Jamui

DR. POONAM SINHA @ POONAM SINHA @ POONAM SINGH and
ORS

... .. Petitioner/s

Versus

The State Of Bihar and Ors

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate
For the Respondent/s : Md. Nadim seraj, GP-5

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 23-03-2023 None appears for the respondent no.6., the
informant of the case, despite valid service of notice.

The present writ petition has been filed for quashing the F.I.R. of Jamui P.S. Case No. 197 of 2017, registered under Sections 323, 341, 386, 504, 506, 379 of the Indian Penal Code and Section 3(10) of the SC/ST Act.

On 01.12.2017, this Court had directed that no coercive steps shall be taken against the petitioners till further order in Jamui P.S. Case No. 197 of 2017.

Heard learned counsel for the petitioners and learned counsel for the State.

It has been submitted by learned counsel for the petitioners that petitioner no.1 & 2 are qualified doctors and since last many decades, they are residing at Panta along with



their family members. They are sisters and they being two daughters of their parents had ancestral property situated at Jamui. While visiting Jamui intermittently, the petitioners found that some persons had encroached their house and the private respondents had erected some permanent structure and, on being asked, the respondent no.6 said that one Kaushal Singh and his wife had sold the land to the respondent no.6. They came to know that on the basis of forged and fabricated sale-deeds, the property of the petitioners was being captured by the respondent no.6 along with other land mafia of Jamui and, therefore, the petitioners filed Title Suit No. 40 of 2014 in which respondent no.6 is a defendant. The petitioners had also filed Jamui P.S. Case No. 366 of 2016 in which the respondent no.6 is one of the accused.

The present F.I.R. has been filed after Jamui P.S. Case No. 366 of 2016. The charge-sheet has been submitted after investigation and during investigation, respondent no.6 was arrested and was released on bail. After coming out of jail, the present F.I.R. has been filed maliciously against the petitioners. The petitioners have annexed the certificate from the Patna Medical College and Hospital, Patna certifying to the effect that the petitioners are working as doctors (petitioner



no.1&2) and petitioner no.3 is employee of petitioner no.1 & 2.

It has been further submitted by learned counsel for the petitioners that the present malicious prosecution has been launched against the petitioners, only to harass them and withdraw the civil suit and the criminal case against the respondent no.6 and others.

Learned counsel for the petitioners has relied upon the judgment of the Supreme Court in the case of *Anand Kumar Mohatta vs. State (NCT of Delhi) 2019 11 SCC 706*, *State of Haryana vs. Bhajan Lal 1992 Supp (1) SCC 335* and *Punjab National Bank vs. Surendra Prasad Sinha 1993 Supp (1) SCC 499* and has submitted that the prosecution of the petitioners is bad in law.

Learned counsel for the State has submitted that from reading of the entire case record, it appears that the petitioners are being harassed by the respondent no.6 and the prosecution seems malicious.

The fair stand of the learned counsel for the State is appreciated.

Considering the law laid down by the Supreme Court in the cases referred to above, this application for quashing the F.I.R. of Jamui P.S. Case No. 197 of 2017 is



allowed.

The F.I.R. of Jamui P.S. Case No. 197 of 2017, is
hereby quashed.

(Sandeep Kumar, J)

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