

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1230 of 2018

Arising Out of PS. Case No.-37 Year-2018 Thana- MAHILA P.S. District- Patna

Manish Kumar S/o Sanjay Kumar Singh, Resident of Village- Ara Piro, Police Station- Rajiya, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bhiar Through The Director General Of Police, Bihar, Patna
2. The Senior Superintendent of Police, Patna.
3. The Deputy Superintendent of Police, Sachiwalya, Patna.
4. The S.H.O. Mahila Police Station, Gandhi Maidan, Patna.
5. Ms. Puja Kumari, D/o Ranvijay Singh, Resident of Khagaul Road, Mohalla- A.G. Colony , Near G.D. Goenka School, Police Station- Khagaul, District- Patna.

... .. Respondent/s

with

Criminal Writ Jurisdiction Case No. 1343 of 2018

Arising Out of PS. Case No.-37 Year-2018 Thana- MAHILA P.S. District- Patna

1. Sanjay Kumar Singh S/o- Late Girija Nandan Singh, Resident of Village- Ara Piro, Police Station- Rajiya, District- Bhojpur.
2. Ranjan Kumar, S/o Sanjay Kumar Singh, Resident of Village- Ara Piro, Police Station- Rajiya, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bihar, Through The Director General Of Police, Bihar, Patna
2. The Senior Superintendent of Police, Patna.
3. The Deputy Superintendent of Police, Sachiwalya, Patna.
4. The S.H.O., Mahila Police Station, Gandhi Maidan, Patna.
5. Ms. Puja Kumari, D/o- Ranvijay Singh, Resident of Khagaul Road, Mohalla- A.G. Colony, Near G.D. Goenka School, Police Station- Khagaul, District- Patna.

... .. Respondent/s

Appearance :

(In Criminal Writ Jurisdiction Case No. 1230 of 2018)

For the Petitioner/s : Mr.Sanjay Kumar Singh

For the Respondent/s : Mr.Sheo Shankar Prasad

(In Criminal Writ Jurisdiction Case No. 1343 of 2018)

For the Petitioner/s : Mr. Sanjay Kumar Singh



For the Respondent/s : Mr. GA-4

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 20-04-2023

Re. Cr. W.J.C. No.1230 of 2018

Learned counsel for the petitioner prays for and is granted permission to withdraw this application.

It is, accordingly, dismissed as withdrawn.

Re. Cr.W.J.C. No. 1343 of 2018

Re. Petitioner No. 1 (Sanjay Kumar Singh)

Learned counsel for the petitioners submits that the petitioner No. 1 (Sanjay Kumar Singh) in Cr.W.J.C. No. 1343 of 2018 had died as such the application has become infructuous. Therefore, he prays to withdraw the application of petitioner No. 1.

Permission is accorded.

The application on behalf of petitioner No. 1 (Sanjay Kumar Singh) in Cr.W.J.C. No. 1343 of 2018 is dismissed as withdrawn as having become infructuous.

Re. Petitioner No. 2 (Ranjan Kumar)

The present writ application has been filed for quashing the F.I.R. of Mahila P.S. Case No. 37 of 2018 dated 09.04.2018 registered for the offences punishable under Sections 376/34 of the Indian Penal Code and Section 67-A of the Information Technology Act.



Prosecution case as per the F.I.R. is that the informant Puja Kumari and the brother of the petitioner (Manish Kumar, petitioner in Cr.W.J.C. No. 1230 of 2018) were working together in a Real Estate Company and during their job, they met there and after a passage of some time, the petitioner became known to the family of the informant.

After 3-4 months, the brother of the petitioner gave proposal for marriage to the informant and thereafter, the informant wanted some time to decide on the proposal. After few months, the brother of the petitioner called the informant in his room and forcibly established physical relationship with the informant and when the informant threatened him that she will inform her parents and the police about the forced physical relationship being established by the brother of the petitioner then the brother of the petitioner and his friend Ashok started sending dirty messages. They also started threatening the informant.

It has been submitted by learned counsel for the petitioner that no offence is made out as the allegation is only of threatening against the petitioner. Moreover, it has been submitted that the petitioner Ranjan Kumar is employed in Indian Navy as an Officer.



Considering the fact that there is no direct allegation against the petitioner Ranjan Kumar of having co-operating with his brother in the offence and considering the fact that he is an Officer in the Indian Navy, this application is allowed.

In view of the above, the F.I.R. of Mahila P.S. Case No. 37 of 2018 dated 09.04.2018 registered for the offences punishable under Sections 376/34 of the Indian Penal Code and Section 67-A of the Information Technology Act is hereby quashed with respect to the petitioner (Ranjan Kumar) only in the interest of justice.

(Sandeep Kumar, J)

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