

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64947 of 2021

Arising Out of PS. Case No.-48 Year-2021 Thana- JAGDISHPUR District- Bhojpur

UMESH CHOUDHARI @ UMESH CHAUDHARY S/o Late Jhakri Choudhary R/o Village- Dulaur, Ward No. 16, P.S.- Jagdishpur, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Heena Khatoon D/o Samshad Ali Khan R/o Village- Dulor Ward No. 16, P.S.- Jagdishpur, District- Bhojpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mohit Shriwastava, Advocate
For the State	:	Mr. Shantanu Kumar, APP
For the Informant	:	Mr. P.S. Shahi, Sr. Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 10-04-2023

Interlocutory Application No. 01 of 2023.

This application has been filed for amendment in the paragraph no. 1 and thereby adding one another prayer 1(i) which is as follows:-

“For quashing of the order dated 27.04.2022 passed by Additional Sessions Judge- 6th (POSCO Court) Bhojpur in POSCO Case no. 13 of 2021, where by the charges against the petitioner has been framed under the provision of POSCO Act and Indian Penal Code I.e U/s 6 of the POSCO Act and U/s. 312, 376, 493 and 506 IPC without determining the age of the victim never claimed herself to be minor and her age was asses to be 17 to 19 years of age in the medical report.”

For the reasons mentioned, the interlocutory



application is allowed and the prayer made in the Interlocutory Application is directed to be treated as a part of the main petition.

Heard the learned counsel for the petitioner, learned counsel for the opposite party no. 2 and learned APP for the State.

This application has been filed for quashing of F.I.R. dated 01.02.2021 bearing Jagdishpur P.S. Case No. 48 of 2021 registered for the offences under Sections 493 and 494 of the Indian Penal Code and Section 4 and 8 of the POSCO Act 2012.

It has been jointly submitted by the parties that the parties have entered into a compromise.

I have gone through the records of the case. It seems that this case is an outcome of an earlier dispute between the parties and the same was given the colour of a criminal case.

In view of the law laid down by the Hon'ble Supreme Court in the case of *Jaswant Singh vs State of Punjab 2021 SCC OnLine SC 1007*, this application is allowed.

The F.I.R. dated 01.02.2021 bearing Jagdishpur P.S. Case No. 48 of 2021 and the order dated 27.04.2022 passed by Additional Sessions Judge-6th (POSCO Court) Bhojpur in POSCO Case No. 13 of 2021 are hereby quashed and the entire



prosecution of the petitioner is also quashed.

This application stands allowed.

(Sandeep Kumar, J)

Shishir/Vikas

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