

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29902 of 2016

Arising Out of PS. Case No.-1911 Year-2015 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Rakesh Kumar Singh, Son of Ramesh Singh
2. Ramesh Singh, Son of Late Jadunandan Singh
Both resident of Mohalla - Balidih, Shed No. 19, P.S. Balidih, District -
Bokaro (Jharkhand).
- Petitioners
- Versus
1. The State of Bihar
2. Lalan Ram, Son of Late Dukhit Ram, resident of village - Sewgar, P.S.
Udwantnagar, District – Bhojpur.

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. Dinu Kumar, Adv.
	:	Ms. Ritika Rani, Adv.
	:	Mr. Vardaan Mangalam, Adv.
For the State	:	Mr. Sadanand Paswan, APP
For Informant	:	Mr. Deepak Kumar Sinha, Adv.
	:	Mrs. Sukanya Bharti, Adv.

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL JUDGMENT

Date : 16-10-2023

At the very outset, Ld. Counsel for the petitioners submits that one of the petitioners, namely, Ramesh Singh Son of Late Jadunandan Singh has passed away. Hence, he seeks permission to withdraw the petition on his behalf.

2. Accordingly, this petition stands dismissed as withdrawn with respect to petitioner no. 2, Ramesh Singh.

3. The present petition under Section 482 CrPC has been preferred for quashing the order dated 28.05.2016 passed by Ld. Sessions Judge, Patna in Cr. Revision No. 667/2015



whereby order dated 04.09.2015 passed by Ld. Judicial Magistrate, 1st, Patna, in Complaint Case No. 1911(c)/2015 has been set aside remitting the matter back to the Ld. Magistrate to pass a fresh order as per law.

4. The Ld. Magistrate by the said order dated 04.09.2015 had issued summons against petitioner No.1, Rakesh Kumar Singh and Petitioner No.2, Ramesh Singh, finding *prima facie* case under Sections 323 & 506 of the Indian Penal Code against Rakesh Kumar Singh and under Section 506 IPC against Ramesh Singh.

5. Being aggrieved by the aforesaid order dated 4.9.2015 passed by Ld. Magistrate, the Complainant preferred Criminal Revision No. 667 of 2015 before Ld. Sessions Judge, Patna, submitting that there is sufficient material against the Petitioners to proceed not only for offence punishable under Sections 323 and 506 of IPC, but also under Sections 506 and 420 IPC and Sections 3(ix)(x) of the SC and ST (POA) Act, 1989. Ld. Sessions Judge partly allowed the Criminal revision holding that *prima facie* offence punishable under SC and ST (POA) Act, 1989 is also made. Consequently, the order dated 4.9.2015 passed by Ld. Magistrate was set aside by Ld. Sessions Judge with the direction to Ld. Magistrate to pass fresh order.



6. Hence, being aggrieved, the petitioners have preferred the present petition.

7. The sum and substance of the allegation as per complaint is that while the petitioners were traveling by rickshaw near *Baansghat*, the complainant saw them and came to them demanding their due amount of Rs. 20,000/- as labour charge for the white washing work he had done in their house. Upon such asking, the accused persons got furious and petitioner, Rakesh Kumar Singh came down from the rickshaw and pushed him down on the ground and stated that despite being a *Harijan* how did he dare to stop his rickshaw. However, other petitioner, Ramesh Singh was still sitting in the rickshaw and he did not utter any word against him.

8. Heard Mr. Dinu Kumar, Ld. counsel for the petitioner, Mr. Deepak Kumar Sinha, Ld. Counsel for the complainant and Mr. Sadanand Paswan, Ld. APP for the State.

9. Ld. Counsel for the petitioner submits that the basic ingredients of any offence punishable under SC and ST (POA) Act, 1989 is that the accused must be other than SC/ST community. This is one of the basic ingredients of Section 3 of the SC and ST (POA) Act, 1989. But there is no such allegation in the complaint or in the statements as made during enquiry



under Section 200 CrPC. Making statements on solemn affirmation under Section 200 CrPC. is second opportunity for the complainant to give the details of the accused or commission of the offence. But despite second opportunity, the complainant has not given any statement regarding the status of the community the accused belonged to. As such, for want of basic ingredients being fulfilled, no offence under the SC and ST (POA) Act, 1989 is attracted. Moreover, the complainant has not alleged that he was called by the Accused/Petitioners by specific caste name, nor is there any allegation that the word '*Harijan*' was used by him with intent to abuse and humiliate him, which is one of essential ingredients of any offence punishable under the SC and ST (POA) Act, 1989.

10. Ld. counsel for the complainant and Ld. APP for the State defend the order and submit that there is no illegality or infirmity in the impugned order.

11. Before I proceed to consider the rival submissions of the parties, it would be pertinent to see the scope and ambit of Section 482 of the CrPC.

12. Section 482 CrPC saves inherent power of High Court and it reads as follows:-

“482. Saving of inherent powers of High Court.- Nothing in this Code shall be deemed to limit or affect the inherent powers of the High Court to make such



orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.”

13. In Madhavrao Jiwajirao Scindia Vs. Sambhajirao Chandrojirao Angre, [(1988) 1 SCC 692], Hon’ble three-Judge Bench of Supreme Court has laid down the law as to quashment of proceedings under Section 482 CrPC as follows:

“7. The legal position is well settled that when a prosecution at the initial stage is asked to be quashed, the test to be applied by the court is as to whether the uncontroverted allegations as made prima facie establish the offence. It is also for the court to take into consideration any special features which appear in a particular case to consider whether it is expedient and in the interest of justice to permit a prosecution to continue. This is so on the basis that the court cannot be utilised for any oblique purpose and where in the opinion of the court chances of an ultimate conviction are bleak and, therefore, no useful purpose is likely to be served by allowing a criminal prosecution to continue, the court may while taking into consideration the special facts of a case also quash the proceeding even though it may be at a preliminary stage.”

14. Hon’ble Supreme Court in State of Haryana Vs. Bhajan Lal [1992 Suppl (1) SCC 335], delivered the landmark judgment on the scope and extent of the jurisdiction of High Court under Section 482 CrPC. It is still holding the field and being consistently followed and relied upon by all Courts including the Apex Court.

15. Hon’ble Apex Court in Bhajan Lal case (supra) held as follows:-



“102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just



conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.

103. We also give a note of caution to the effect that the power of quashing a criminal proceeding should be exercised very sparingly and with circumspection and that too in the rarest of rare cases; that the court will not be justified in embarking upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR or the complaint and that the extraordinary or inherent powers do not confer an arbitrary jurisdiction on the court to act according to its whim or caprice.”

16. In Smt. Nagawwa Vs. Veeranna Shivalingappa Konujalgi [(1976) 3 SCC 736], while considering the scope of Sections 202 and 204 of CrPC., Hon’ble Supreme Court laid down the following guidelines and grounds on which proceeding would be quashed.

“(1) Where the allegations made in the complaint or the statements of the witnesses recorded in support of the same taken at their face value make out absolutely no case against the accused or the complaint does not disclose the essential ingredients of an offence which is alleged against the accused;

(2) Where the allegations made in the complaint are



patently absurd and inherently improbable so that no prudent person can ever reach a conclusion that there is sufficient ground for proceeding against the accused.

(3) Where the discretion exercised by the Magistrate in issuing process is capricious and arbitrary having been based either on no evidence or on materials which are wholly irrelevant or inadmissible; and

(4) Where the complaint suffers from fundamental legal defects, such as, want of sanction, or absence of a complaint by legally competent authority and the like.”

17. In Pepsi Foods Limited & Anr. Vs. Special Judicial Magistrate & Ors., [(1998) 5 SCC 749], Hon’ble Supreme Court has observed as follows:

“28. Summoning of an accused in a criminal case is a serious matter. Criminal law cannot be set into motion as a matter of course. It is not that the complainant has to bring only two witnesses to support his allegations in the complaint to have the criminal law set into motion. The order of the Magistrate summoning the accused must reflect that he has applied his mind to the facts of the case and the law applicable thereto. He has to examine the nature of allegations made in the complaint and the evidence both oral and documentary in support thereof and would that be sufficient for the complainant to succeed in bringing charge home to the accused. It is not that the Magistrate is a silent spectator at the time of recording of preliminary evidence before summoning of the accused. The Magistrate has to carefully scrutinise the evidence brought on record and may even himself put questions to the complainant and his witnesses to elicit answers to find out the truthfulness of the allegations or otherwise and then examine if any offence is prima facie committed by all or any of the accused.”

18. Hon’ble Supreme Court in Zandu Pharmaceutical Works Ltd. Vs. Mohd. Sharaful Haque [(2005) 1 SCC 122] observed as follows:



“8. ... It would be an abuse of process of the court to allow any action which would result in injustice and prevent promotion of justice. In exercise of the powers, court would be justified to quash any proceeding if it finds that initiation/continuance of it amounts to abuse of the process of court or quashing of these proceedings would otherwise serve the ends of justice. When no offence is disclosed by the complaint, the court may examine the question of fact. When a complaint is sought to be quashed, it is permissible to look into the materials to assess what the complainant has alleged and whether any offence is made out even if the allegations are accepted in toto.”

19. Hon’ble Supreme Court in State of Orissa Vs.

Saroj Kumar Sahoo, [(2005) 13 SCC 540] explaining the ambit and scope of Section 482 CrPC observed as follows:

“8. While exercising the powers under the section, the court does not function as a court of appeal or revision. Inherent jurisdiction under the section, though wide, has to be exercised sparingly, carefully and with caution and only when such exercise is justified by the tests specifically laid down in the section itself. It is to be exercised ex debito justitiae to do real and substantial justice for the administration of which alone the courts exist. Authority of the court exists for advancement of justice and if any attempt is made to abuse that authority so as to produce injustice, the court has the power to prevent abuse. It would be an abuse of process of the court to allow any action which would result in injustice and prevent promotion of justice. In exercise of the powers the court would be justified to quash any proceeding if it finds that initiation/continuance of it amounts to abuse of the process of court or quashing of these proceedings would otherwise serve the ends of justice. When no offence is disclosed by the report, the court may examine the question of fact. When a report is sought to be quashed, it is permissible to look into the materials to assess what the report has alleged and whether any offence is made out even if the allegations are accepted in toto.”



20. In Indian Oil Corpn. Vs. NEPC India Ltd., [(2006) 6 SCC 736], Hon'ble Supreme Court has observed as follows:

“12. The principles, relevant to our purpose are:

(i) A complaint can be quashed where the allegations made in the complaint, even if they are taken at their face value and accepted in their entirety, do not prima facie constitute any offence or make out the case alleged against the accused.

For this purpose, the complaint has to be examined as a whole, but without examining the merits of the allegations. Neither a detailed inquiry nor a meticulous analysis of the material nor an assessment of the reliability or genuineness of the allegations in the complaint, is warranted while examining prayer for quashing of a complaint.

(ii) A complaint may also be quashed where it is a clear abuse of the process of the court, as when the criminal proceeding is found to have been initiated with mala fides/malice for wreaking vengeance or to cause harm, or where the allegations are absurd and inherently improbable.

(iii) The power to quash shall not, however, be used to stifle or scuttle a legitimate prosecution. The power should be used sparingly and with abundant caution.

(iv) The complaint is not required to verbatim reproduce the legal ingredients of the offence alleged. If the necessary factual foundation is laid in the complaint, merely on the ground that a few ingredients have not been stated in detail, the proceedings should not be quashed. Quashing of the complaint is warranted only where the complaint is so bereft of even the basic facts which are absolutely necessary for making out the offence.

(v) A given set of facts may make out: (a) purely a civil wrong; or (b) purely a criminal offence; or (c) a civil wrong as also a criminal offence. A commercial transaction or a contractual dispute, apart from furnishing a cause of action for seeking remedy in civil law, may also involve a criminal offence. As the nature and scope of a civil proceeding are different from a criminal proceeding, the mere fact that the complaint relates to a commercial transaction or breach of contract, for which a civil remedy is available or has been availed, is not by itself a ground to quash the criminal proceedings. The test is whether the



allegations in the complaint disclose a criminal offence or not.

13. While on this issue, it is necessary to take notice of a growing tendency in business circles to convert purely civil disputes into criminal cases. This is obviously on account of a prevalent impression that civil law remedies are time consuming and do not adequately protect the interests of lenders/creditors. Such a tendency is seen in several family disputes also, leading to irretrievable breakdown of marriages/families. There is also an impression that if a person could somehow be entangled in a criminal prosecution, there is a likelihood of imminent settlement. Any effort to settle civil disputes and claims, which do not involve any criminal offence, by applying pressure through criminal prosecution should be deprecated and discouraged...”

21. In Inder Mohan Goswami Vs. State of Uttaranchal, (2007) 12 SCC 1, Hon’ble Supreme Court has observed as under:

“46. The court must ensure that criminal prosecution is not used as an instrument of harassment or for seeking private vendetta or with an ulterior motive to pressurise the accused. On analysis of the aforementioned cases, we are of the opinion that it is neither possible nor desirable to lay down an inflexible rule that would govern the exercise of inherent jurisdiction. Inherent jurisdiction of the High Courts under Section 482CrPC though wide has to be exercised sparingly, carefully and with caution and only when it is justified by the tests specifically laid down in the statute itself and in the aforementioned cases. In view of the settled legal position, the impugned judgment cannot be sustained.”

22. It emerges from the aforesaid statutory provisions and the case laws that for taking cognizance of any offence and issuing summons to any accused in a complaint case, there must be a *prima facie* offence made out on the basis of the allegation made in the complaint and the statements made by the



complainant and his witnesses during inquiry under Section 202 CrPC. However, such allegation or the statements should not be patently absurd and inherently improbable to a prudent mind. Moreover, the allegation/statements made in the complaint and during inquiry under Section 200 CrPC should be examined as a whole, but the veracity of such statements could not be examined at this stage. The statements have to be taken at their face value to see whether *prima facie* case is made out or not.

23. Now, the question for consideration is, whether the allegation made in the complaint or the statement of the witnesses as recorded in support of the same taken at their face value make out any case against the accused.

24. It would be also pertinent to refer to the observations of Hon'ble Supreme Court in Criminal Cases involving offence punishable under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

25. In Shashikant Sharma Vs. State of U.P., 2023 SCC OnLine SC 1599, Hon'ble Supreme Court has observed as follows:

“**14.** From a bare perusal of the provision, it is crystal clear that for the above offence to be constituted, there must be an allegation that the accused not being a member of Scheduled Caste or Scheduled Tribe committed an offence under the IPC punishable for a term of 10 years or more against a member of the Scheduled Caste or Scheduled Tribe knowing that such person belongs to such



‘community’.”

26. In Gorige Pentaiah Vs. State of A.P., (2008) 12

SCC 531, Hon’ble Supreme Court has observed as follows:

“6. In the instant case, the allegation of Respondent 3 in the entire complaint is that on 27-5-2004, the appellant abused them with the name of their caste. According to the basic ingredients of Section 3(1)(x) of the Act, the complainant ought to have alleged that the appellant-accused was not a member of the Scheduled Caste or a Scheduled Tribe and he (Respondent 3) was intentionally insulted or intimidated by the accused with intent to humiliate in a place within public view. In the entire complaint, nowhere it is mentioned that the appellant-accused was not a member of the Scheduled Caste or a Scheduled Tribe and he intentionally insulted or intimidated with intent to humiliate Respondent 3 in a place within public view. When the basic ingredients of the offence are missing in the complaint, then permitting such a complaint to continue and to compel the appellant to face the rigmarole of the criminal trial would be totally unjustified leading to abuse of process of law.”

27. In Dinesh Vs. State of Rajasthan, (2006) 3 SCC

771, Hon’ble Supreme Court has observed as follows:

“15. Sine qua non for application of Section 3(2)(v) is that an offence must have been committed against a person on the ground that such person is a member of the Scheduled Castes or the Scheduled Tribes. In the instant case no evidence has been led to establish this requirement. It is not the case of the prosecution that the rape was committed on the victim since she was a member of a Scheduled Caste. In the absence of evidence to that effect, Section 3(2)(v) has no application. Had Section 3(2)(v) of the Atrocities Act been applicable then by operation of law, the sentence would have been imprisonment for life and fine.”

28. In Khuman Singh Vs. State of M.P., (2020) 18

SCC 763, Hon’ble Supreme Court has held as follows:



“14.The offence must have been committed against the person on the ground that such person is a member of Scheduled Caste and Scheduled Tribe. In the present case, the fact that the deceased was belonging to “Khangar”— Scheduled Caste is not disputed. There is no evidence to show that the offence was committed only on the ground that the victim was a member of the Scheduled Caste and therefore, the conviction of the appellant-accused under Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is not sustainable.”

29. In Hitesh Verma Vs. State of Uttarakhand, [(2020) 10 SCC 710], Hon’ble Supreme Court has held as follows:

“18. Therefore, offence under the Act is not established merely on the fact that the informant is a member of Scheduled Caste unless there is an intention to humiliate a member of Scheduled Caste or Scheduled Tribe for the reason that the victim belongs to such caste. In the present case, the parties are litigating over possession of the land. The allegation of hurling of abuses is against a person who claims title over the property. If such person happens to be a Scheduled Caste, the offence under Section 3(1)(r) of the Act is not made out.”

30. In Masumsha Hasanasha Musalman Vs. State of Maharashtra, (2000) 3 SCC 557, Hon’ble Supreme Court has observed as follows:

“9. Section 3(2)(v) of the Act provides that whoever, not being a member of a Scheduled Caste or a Scheduled Tribe, commits any offence under the Penal Code, 1860 punishable with imprisonment for a term of ten years or more against a person or property on the ground that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member, shall be punishable with imprisonment for life and with fine. In the present case, there is no evidence at all to the effect that the appellant committed the offence alleged against him on the ground that the deceased is a member of a Scheduled Caste or a Scheduled Tribe. To attract the



provisions of Section 3(2)(v) of the Act, the sine qua non is that the victim should be a person who belongs to a Scheduled Caste or a Scheduled Tribe and that the offence under the Penal Code, 1860 is committed against him on the basis that such a person belongs to a Scheduled Caste or a Scheduled Tribe. In the absence of such ingredients, no offence under Section 3(2)(v) of the Act arises. In that view of the matter, we think, both the trial court and the High Court missed the essence of this aspect. In these circumstances, the conviction under the aforesaid provision by the trial court as well as by the High Court ought to be set aside.”

31. In Swaran Singh Vs. State, [(2008) 8 SCC 435],

Hon’ble Supreme Court has observed as follows:

“28. It has been alleged in the FIR that Vinod Nagar, the first informant, was insulted by Appellants 2 and 3 (by calling him a “chamar”) when he stood near the car which was parked at the gate of the premises. In our opinion, this was certainly a place within public view, since the gate of a house is certainly a place within public view. It could have been a different matter had the alleged offence been committed inside a building, and also was not in the public view. However, if the offence is committed outside the building e.g. in a lawn outside a house, and the lawn can be seen by someone from the road or lane outside the boundary wall, the lawn would certainly be a place within the public view. Also, even if the remark is made inside a building, but some members of the public are there (not merely relatives or friends) then also it would be an offence since it is in the public view. We must, therefore, not confuse the expression “place within public view” with the expression “public place”. A place can be a private place but yet within the public view. On the other hand, a public place would ordinarily mean a place which is owned or leased by the Government or the municipality (or other local body) or gaon sabha or an instrumentality of the State, and not by private persons or private bodies.”

32. In State of U.P. Vs. Naresh, [(2011) 4 SCC 324],

Hon’ble Supreme Court has observed as follows:

“32. It is a settled legal proposition that an FIR is not an



encyclopaedia of the entire case. It may not and need not contain all the details

33. In Ashabai Machindra Adhagale Vs. State of Maharashtra, (2009) 3 SCC 789], Hon' ble Supreme Court
has observed as follows:

“10. It needs no reiteration that the FIR is not expected to be an encyclopædia. As rightly contended by learned counsel for the appellant whether the accused belongs to Scheduled Caste or Scheduled Tribe can be gone into when the matter is being investigated.

12. After ascertaining the facts during the course of investigation it is open to the investigating officer to record that the accused either belongs to or does not belong to Scheduled Caste or Scheduled Tribe. After final opinion is formed, it is open to the court to either accept the same or take cognizance. Even if the charge-sheet is filed at the time of consideration of the charge, it is open to the accused to bring to the notice of the court that the materials do not show that the accused does not belong to Scheduled Caste or Scheduled Tribe. Even if charge is framed at the time of trial materials can be placed to show that the accused either belongs or does not belong to Scheduled Caste or Scheduled Tribe.”

34. As such, it emerges that to constitute an offence punishable under the SC and ST (POA) Act, 1989, there must be an allegation that the Accused belongs to other than Scheduled Caste or Scheduled Tribe Community and he has committed the offence against the Victim because he belongs to Scheduled Caste or Scheduled Tribe Community. The offence should have been also committed at a place in public view. Though the FIR is not an encyclopedia to contain all the details of the alleged offence, the FIR read with the charge-sheet must contain all the



ingredients of the alleged offence, failing which the criminal proceedings would be liable to be quashed. Similarly, in case of a criminal complaint, the complaint read with the statements of the complainant and his witnesses during enquiry under Section 200 CrPC must fulfill all the ingredients of the alleged offence, failing which continuance of the criminal proceeding would be abuse of the process of the court and miscarriage of justice.

35. Coming to the case on hand, I find that neither in the Complaint Petition nor in his statement made during inquiry under Section 200 CrPC. the Complainant has alleged that the Accused belongs to other than Scheduled Caste and Scheduled Tribes community. I further find that it is also nowhere alleged that the alleged offence has been committed against the Complainant because he belongs to Scheduled Caste or Scheduled Tribes community. I also find that the Complainant was not abused by naming his caste name. Under such facts and circumstances, offence punishable under SC and ST (Prevention of Atrocities) Act, 1989, cannot be held to be made out.

36. Hence, the impugned order dated 28.05.2016, passed by Ld. Sessions Judge, Patna, in Criminal Revision No. 667 of 2015 is not sustainable in the eye of law. Permitting the prosecution of the Petitioner for offence punishable under SC



and ST (Prevention of Atrocities) Act, 1989, would be an abuse of the process of Court and miscarriage of justice.

37. Accordingly, the impugned order is quashed and set aside, allowing the petition.

(Jitendra Kumar, J.)

Ramesh/S.Ali/
Shoaib

AFR/NAFR	AFR
CAV DATE	N.A
Uploading Date	27.03.2024.
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