

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86304 of 2019

Arising Out of PS. Case No.-102 Year-2019 Thana- ARA NAWADA District- Bhojpur

MANOJ KUMAR TIWARI S/o Late Mulri Manohar Tiwari Flat 505,
Vrindavan Garden Ashiana Digha Road, Patna, P.S.- Rajiv Nagar, District-
Patna, Bihar, Pin- 800025.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Sanjay Kumar S/o Late Laxman Kumar R/o Chandwa, P.S.- Arrah, Nawada,
District- Bhojpur, Pin- 802301.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nagadeo Choubey, Advocate
For the Opposite Party/s : Mr.Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 04-05-2023 Heard learned counsel for the petitioner and learned

APP for the State. None appears on behalf of opposite party no.
2 despite service of notice.

This application has been filed for quashing of F.I.R
vide Arrah Nawada Town P.S. Case No. 102 of 2019 arising out
of Complaint Case No. 2661C of 2018 passed by learned Sub-
Judge- VI, Bhojpur at Arrah for the offences under Sections 406,
420, 468 of the Indian Penal Code.

The informant has alleged that Pooja Kumari (accused
no. 1) has taken undue advantage of his mother's mental
instability, sold the property in question by making forged
documents.

The mother of the informant has sold the property in



question and her son has filed a case against the sister (informant).

It has been submitted by learned counsel for the petitioner that petitioner is not beneficiary from the sale of the property in question and he is only the witness in the case and there is no allegation against the petitioner in the F.I.R. He further submits that complainant has filed this application in violation of law laid down by Hon'ble Supreme Court in the case of *Prinkya Shrivastav and Anrs Vs. State of U.P and Others* reported in (2015) 6 SCC 287.

I have gone through the F.I.R. There is no allegation against the petitioner. He cannot be prosecuted merely because he is witness in the case. Hence, this application is allowed as no offence is made out against the petitioner. The F.I.R vide Arrah Nawada Town P.S. Case No. 102 of 2019 arising out of Complaint Case No. 2661C of 2018 passed by learned Sub-Judge- VI, Bhojpur at Arrah is hereby quashed with respect to only petitioner in the interest of justice.

(Sandeep Kumar, J)

Harsh/

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