

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 6372 of 2023

Arising Out of PS. Case No.-340 Year-2022 Thana- SHASTRINAGAR District- Patna

1. Rajan Sharma, S/o Pramod Sharma, Resident of Ward No.- 29, Bagha, P.S.- Mufassil, District-Begusarai, Bihar.
2. Rakesh Ranjan, S/o Ramjanm Prasad, Resident of Ward no.- 89, Resident of Village and Post - Malpa, P.S.- Guraru, District- Gaya, Bihar.
3. Ravi Kumar Kunj, S/o Ranjendra Prasad Mahto, Resident of Village- hemjapur, P.O.- Shivkund, Hemjapur, P.S.- Dharhara, District- Munger, Bihar- 811202
4. Suraj Kumar Chaudhari, S/o Akhilesh Chaudhari, Resident of Milki Ward no,-12, P.O.- Balti, Maheshpur, P.S.- Kurshela, District- Muzaffarpur, (Part in Sameli), Ayodhyaganj Bazar, Kursela, Katihar, Bihar.
5. Ranjeet Kumar S/o Raj Kumar Mahto Resident of Village- Garibaganj, Near Shiv Mandir,P.S.- Jevi Nagar, P.O.- Sahlaur, District- Siwan, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vishal Prasad, Advocate Mr. Ritesh Abhishek, Advocate Mr. Arun Bharti, Advocate Mr. Rakesh Kumar Singh, Advocate Mr. Anuraj Singh, Advocate
For the Opposite Party/s :		Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 9 06-05-2024 1. Heard learned counsel for the petitioners and learned counsel for the opposite party.
2. The petitioners have filed the instant application praying for quashing the FIR being Shastri Nagar P.S. Case no.340 of 2022 registered under sections 447, 147, 149, 186, 188, 504 and 506 of the Indian Penal Code.
3. As per prosecution case, the informant who



happens to be the In-charge (Human Resources), Beltron, Patna by his letter dated 13.6.2022 addressed to the Officer Incharge, Shastri Nagar Police Station states that on 13.6.2022 at about 10 a.m. unknown accused persons forcibly entered into the premises of the Beltron building. They started demonstration having forcibly entered into the premises. Information was given to the police personnel who reached the place of occurrence and tried to control the enraged demonstrators who were indulging in violent demonstrations. Some of the accused were caught and which included the five petitioners herein. As such, the written complaint as stated above was made and the FIR registered.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the case. An examination had been conducted by the Beltron, Bihar and persons who led the demonstration/protest etc. were others and not the petitioners herein. So far as the petitioners are concerned, all of them had succeeded in the examination and thus, there was no reason for them to carry out or participate in any demonstration. It is submitted that even accepting the allegations in the FIR to be true, no offence under any section is made out against the petitioners. As such, it is prayed that the



FIR be quashed.

5. The application is opposed by learned APP appearing for the State who submits that at the stage of quashing of the FIR, the Court cannot embark upon an enquiry into the merits and demerits of the allegations nor can it enter or enquire into the genuineness of the allegations. It is submitted that from the facts stated in the FIR, a clear case at least under sections 447 and 147 besides other sections of the Indian Penal Code are made out against the petitioners.

6. Having heard learned counsel for the parties and taking into consideration the contents of the FIR, the Court finds merit in the submission made by learned APP appearing for the State. Taking into consideration the uncontroverted allegations levelled, in the opinion of the Court cognizable offence under section 147 ie punishment for rioting and section 447 ie punishment for criminal trespass besides other offences are made out against the petitioners.

7. It may further be noted here that the Hon'ble Supreme Court in its judgment in the case of Superintendent of Police, CBI & Ors. vs Tapan Kumar Singh [(2003) 6 SCC 175] has held that FIR is not an encyclopedia which must disclose all the facts and details relating to the offence reported. Further, in



the case of M/S Neeharika Infrastructure Private Limited vs State of Maharashtra & Ors. [(2021) 19 SCC 401] it has held that the Court cannot thwart investigation and enquire into the genuineness of the allegations.

8. Thus, in view of the facts and circumstances of the case, the law as laid down by the Hon’ble Supreme Court referred to herein above and the allegations as levelled in the FIR, in the opinion of the Court, the petitioners have not made out any case for quashing of the FIR and there is no merit in the instant application.

9. The application is dismissed.

(Partha Sarthy, J)

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