

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.439 of 2023

Arising Out of PS. Case No.-31 Year-2022 Thana- ARA NAWADA District- Bhojpur

Abhishek Tiwary S/O Om Prakash Tiwary, Resident of Village- Gorhana Road Ara, P.S.- Nawada, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Director General Of Police Bihar, Patna Bihar
2. The Director General Of Police, Patel Bhawan, Jawaharlal Nehru Marg, Patna Bihar
3. The Inspector General Of Police, Central Range, Patna Bihar
4. The Deputy Inspector General Of Police, Shahabad Range Dehri. Bihar
5. The Superintendent Of Police Bhojpur. Bihar
6. The Sub- Divisional Police Officer, Sadar Ara. Bihar
7. The S.H.O. P.S. Ara Nawada District- Bhojpur Bihar
8. The Investigating Officer Police Station Ara Nawada, District- Bhojpur. Bihar
9. Mansi Kumari D/O Sachchidanand Singh Permanent Resident Of Village- Karsar, P.S.- Sonbarsha, District- Buxar At Present Resident Of Muhalla- Gorhana Road Ara, P.S.- Nawada, District- Bhojpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Maya Shankar Mishra, Adv
For the Respondent/s : Mr.Sheo Shankar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

- 2 01-03-2024 1. The petitioner being an accused in connection with Ara Nawada P.S. Case No. 0031 of 2022, under Section 376 of the IPC, has prayed for quashing of the said FIR on the ground of falsehood, mala fide and maliciously instituted only to get rid of the liability of payment of a sum of Rs. 62,000/- which was taken by the father of the informant as loan for his and his daughters' medical test and treatment.



2. The informant lodged a written complaint on 11th of January, 2022, stating, *inter alia*, that the petitioner obtained her mobile number from her father on a false promise that he would arrange for a job for the informant. Thereafter, he established contact with the informant. After some time, he took her to one Ayush Hotel, Bihar Mill Ara and performed certain fake rituals of marriage. Thereafter, he established physical relationship at different places with her.

3. It is submitted by the learned Advocate for the petitioner that the FIR was out and out false. It was lodged to wreak vengeance against the petitioner so that her father might not repay the loan amount of Rs. 62,000/-. Regarding receipt of loan, the learned Advocate for the petitioner refers to Annexure-2 before this Court. The petitioner also filed an application before the Chief Judicial Magistrate, Bhojpur, regarding non-payment of loan and subsequent filing of the FIR. It is further submitted by the learned Advocate for the petitioner that on similar facts and circumstances, a Co-ordinate Bench of Jharkhand High Court quashed the FIR in ***Cr.M.P No. 488 of 2022*** decided on 4/06.12.2022 in the case of ***Manish Kumar Sharma vs. The State of Jharkhand and Anr.***

4. I have perused the aforesaid unreported decision. In



the said decision, it was established that marriage of the victim was solemnized with the accused. In the instant case, the informant said about some fake marriage.

5. The Respondent No. 5, the Deputy Superintendent of Police, Head Quarter at Bhojpur filed a counter affidavit denying all such allegations made out in the writ petition and annexing a report of the Investigating Officer who disclosed that the allegation made by the petitioner appears to be *prima facie* true. The FIR contains an allegation of sexual harassment and rape against the petitioner.

6. This is not the stage to consider as to whether the FIR was submitted with a malicious intention to wreak vengeance. This Court is of the *prima facie* view that no lady of repute will file any complaint alleging sexual assault upon her at the cost of her chastity only to give relief to her father from repayment of loan which he allegedly taken from the writ petitioner. It is important to note here that the FIR was lodged on 11.01.2022 and the said agreement was executed after submission of the FIR, i.e., on 14.01.2022, as has been stated by the learned Advocate for the petitioner.

7. Thus, it is *prima facie* clear that the agreement was executed to get rid of the criminal case instituted against the



petitioner.

8. For the reasons stated above, I do not find any ground to quash the FIR.

9. The instant writ petition is accordingly dismissed.

(Bibek Chaudhuri, J)

uttam/-

U			
---	--	--	--

