

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28355 of 2023

Arising Out of PS. Case No.-32 Year-2022 Thana- NAYA RAM NAGAR District- Munger

Mukul Prakash Pathak, Headmaster, Middle School, Ramnagar, S/o
Praduman Pathak, R/o Village- Panchrukhi, P.S- Dharhara, District- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kaushal Kumar, S.I. SHO, Naya Ram Nagar P.S, District- Munger.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dineshwar Mishra, Advocate
		Mr. Raj Kumar Goswami, Advocate
For the Opposite Party/s	:	Mr. Binay Krishna, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
CAV JUDGMENT

Date : 08-07-2024

1. Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioner has filed the instant application praying for quashing the F.I.R. of Naya Ram Nagar P.S. Case no.32 of 2022 registered under sections 354A and 509 of the Indian Penal Code, sections 10 and 12 of the POCSO Act, sections 3(1)(r), (s) and (w)(ii) and section 3(2)(va) of the SC and ST (Prevention of Atrocities) Act.

3. The prosecution case based on the self statement of S.I. Kaushal Kumar recorded on 6.3.2022 at 6:10 p.m. alleges *inter alia* that on the same day at about 2:05 p.m. he received a



secret information that the Principal of Ram Nagar Middle School has misbehaved with a girl. Having registered a *sanha*, the informant proceeded for verification of the information. On gathering information secretly, it transpired that the minor daughter of one Girish Paswan is a student of the Ram Nagar Middle School. The petitioner called the said student to his room and asked her to kiss him on which it is stated that the student became angry and walked out of the room. She gave information about the incidence to her parents, who expressed their anger on the Principal. Information was not given to the local police station or the administration. On inquiring from the parents of the student, the informant states that they refused to lodge an F.I.R. On the self statement of the informant, the F.I.R. being Naya Ram Nagar P.S. Case no.32 of 2022 was registered on 6.3.2022, as stated above.

4. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case for oblique reasons. From perusal of the contents of the F.I.R. it would transpire that neither the girl nor her parents or any relative has filed any complaint. The F.I.R. also does not mention the date or time of the alleged occurrence. No offence is made about against the petitioner. As such, it is prayed that



the F.I.R. be quashed.

5. The application is opposed by learned counsel appearing for the State.

6. Having heard learned counsel for the parties and having perused the material on record, so far as the contents of the F.I.R. are concerned, accepting the contents thereof, it cannot be said that no offence is made out against the petitioner.

7. It may be stated here that the Hon'ble Supreme Court in the case of **Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra & Ors. [(2021) 19 SCC 401]** has held that the Court cannot thwart the investigation and inquire into the genuineness of the allegations. In its judgment in the case of **Superintendent of Police, CBI & Ors. vs. Tapan Kumar Singh [(2003) 6 SCC 175]** the Hon'ble Apex Court held that the F.I.R is not an encyclopedia which must disclose all facts and details relating to the offence reported. In the case of **State of Kerala & Ors. vs. O.C. Kuttan & Ors. [(1999) 2 SCC 651]** it was held that the Court ought not to embark upon an inquiry as to reliability or genuineness or otherwise of the allegations and the power to quash a criminal proceeding is to be exercised very sparingly.

8. Having heard learned counsel for the parties and



taking into consideration the allegations against the petitioner in the F.I.R., in the opinion of the Court, the petitioner has not made out any case for quashing of the same.

9. The Court finds no merit in the instant application and the same is dismissed.

(Partha Sarthy, J)

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AFR/NAFR	
CAV DATE	08.05.2024
Uploading Date	08.07.2024
Transmission Date	

