

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25317 of 2018

Arising Out of PS. Case No.-37 Year-2017 Thana- RAMPUR CHAURAM District-
Jehanabad

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Dhananjay Thakur @ Dhananjay Thakaur @ Dhanjay Thakur, Son of Binod Thakur @ Vinod Thakur, resident of Village- Safalapur, Police Station- Rampur Chauram, District- Arwal.

... .. Petitioner/s

Versus

1. State of Bihar
2. Pinki Devi, Wife of Niranjana Thakur, resident of Village- Safalapur, Police Station- Rampur Chauram, District- Arwal.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ravi Shanker Pankaj, Adv.
For the State	:	Mr. Binod Kumar No. 3, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 02-12-2024 Heard Mr. Ravi Shanker Pankaj, learned counsel appearing for the petitioner and Mr. Binod Kumar No. 3, learned APP appearing for the State.

2. The instant petition has been filed under section 482 of the Code of Criminal Procedure, 1973 (in short 'Cr.P.C.') to quash the order dated 20.02.2018 passed in Rampur Chauram P.S. Case No. 37 of 2017, by which the learned A.C.J.M, 1st, Arawal took cognizance for the offences under sections 341, 323, 504, 506, 354 and 379 read with section 34 of the Indian Penal Code (in short 'IPC') against the petitioner.

3. Heard both the sides and perused the order impugned and other relevant materials. In order to assail the



order impugned, learned counsel appearing for the petitioner has mainly taken the grounds that before the registration of the FIR of the present matter, the petitioner's sister had lodged Arawal Mahila P.S. Case No. 26/2015 against the brother-in-law of the O.P. No. 2 with serious allegation of rape in which at that time, the said brother-in-law was in judicial custody and thereafter, to create pressure upon the petitioner as well as in retaliation, the FIR of the instant matter was registered by filing a typed complaint in English language and further, after the investigation, the police did not find substance in the allegation levelled by the O.P. No. 2 and also made the conclusion that on account of the criminal case lodged by the sister of the petitioner against the brother-in-law of the O.P. No. 2, the FIR has been registered by the O.P. No. 2 by filing a complaint and in this regard, Annexure- '4' may be perused. It is further submitted that the order impugned taking cognizance of the alleged offences has been passed in a mechanical manner as while differing with the conclusion of the police, the learned Magistrate has not mentioned even in brief manner the materials upon which he placed reliance after seeing the case diary and only mentioned that there is *prima facie* material against the accused whose details is mentioned in the paragraph No. 11 of



the police report while in the said paragraph, no details of any accused including the petitioner has been given by the police.

This Court finds substance in the above grounds taken by the petitioner and the allegations levelled by the O.P. No. 2 appear to be absurd, and also, in retaliation to the Arawal Mahila P.S. Case No. 26/2015 which was filed by the sister of the petitioner against the brother-in-law of the O.P. No. 2 prior to the registration of the FIR of the present matter and the learned Magistrate passed the order impugned in mechanical manner without applying his judicial mind, hence, the order impugned is not sustainable in the eye of law, so, it is set aside and the instant petition stands allowed.

(Shailendra Singh, J)

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