

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31587 of 2023

Arising Out of PS. Case No.-212 Year-2023 Thana- CHAPRA TOWN District- Saran

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1. Sonu Kumar Singh @ Sonu Kumar S/O- Premchandra Singh Village- Jurawanpur, Ps- Jurwanpur, Dist- Vaishali
 2. Chandan Kumar Singh Son Of Premchandra Singh Village- Jurawanpur, Ps- Jurwanpur, Dist- Vaishali
 3. Kundan Kumar Singh Son Of Premchandra Singh Village- Jurawanpur, Ps- Jurwanpur, Dist- Vaishali
 4. Premchandra Singh Son Of Bhadar Singh Village- Jurawanpur, Ps- Jurwanpur, Dist- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Krishna Kumar Singh son of Vasudev Singh Village- Amrai Nawada Ps- Bihiyan, Dist- Bhojpur at present Prabhunath Nagar, Ps- Muffasil, Dist- Saran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anul Kumar, Adv.
For the State	:	Mr. Shyam Kumar Singh, APP
For the O.P. No.2	:	Mr. Bipin Bihari Singh, Adv with Mr. Sunil Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 06-08-2024 Heard learned counsel for the parties including the
learned counsel for the O.P. No. 2.

2. The present application has been filed for quashing
of FIR bearing Saran Town P.S. Case No. 212 of 2023 dated
06.03.2023 instituted for offence under Sections 341, 323, 379,
392, 307, 504, 506, 386 and 120B of the Indian Penal Code and



Section 27 of the Arms Act.

3. That the instant prosecution was launched on 30.01.2023 on the filing of complaint case bearing no. 245 of 2023 stating therein that the petitioner nos. 1 to 3 are *Sala* and petitioner no. 4 is *Sasur* of the complainant, Arti Kumari and petitioners are criminal minded persons. Arti Kumari filed a Divorce Suit bearing no. 208 of 2022 in the Civil Court, Saran. When the complaint was returning after finishing his departmental work, the accused persons in conspiracy with Arti Singh surrounded his vehicle. The petitioner nos. 1 to 3 caught the complainant and petitioner no. 4 assaulted him, thereafter, the other accused persons also assaulted him and took his signature on blank papers and on blank *Vakalatnama* on the point of gun. Petitioner no. 2 snatched one mobile worth Rs. 25,000/-, he was making video of the accused persons. Accused no. 1 also snatched one laptop worth Rs. 40,000/- and he fired upon the informant which hit the laptop. The accused person again fired and fled away.

4. The Petitioners are innocent and have falsely been implicated by the informant on account of lodging of FIR by the complainant.

5. The Petitioner No. 1 to 3 and Petitioner No. 4 are



Sala and *Sasur* of the informant respectively.

6. Initially, on 23.01.2023 Arti Singh (wife of the informant and sister of the Petitioner Nos. 1 to 3) went to Gardhanibagh Mahila Police Station for lodging of the FIR against the informant, but the police officials fixed the date for counselling on 30.01.2023 and issued notice to the informant to appear in the police station.

7. The informant did not appear on 30.01.2023. Again, the notice was sent to appear on 11.02.2023. He appeared on third notice dated 21.02.2023 and asked for one month ten days time to take back her i.e. on 02.04.2023.

8. The informant alleged that on 27.01.2023 the petitioners assaulted the informant and snatched his mobile and other articles. They fled away after witnessing the police. However, the informant did not inform the police and chose to file the complaint case. The same led to false implication of the Petitioners.

9. The notice was sent to the informant by the sister of the Petitioner Nos. 1 to 3 with the allegation that he used to assault her and got aborted twice. The informant ousted her from the house.

10. The instant FIR has been lodged by the informant



after receiving of the aforesaid notice. The same shows that in retaliation of aforesaid notice the informant filed the complaint and FIR registered on the direction of learned Judicial Magistrate.

11. The Petitioners are alleged to have assaulted the informant but no injury report has been attached with the same, the same falsifies the case of prosecution and further the petitioners fired upon the Informant, which hit on his laptop. There is no material to support such allegation.

12. Learned counsel for the petitioner has submitted that this is a *mala fide* prosecution and the same should be quashed.

13. Learned counsel for the informant and learned counsel for the APP have opposed the application. Learned counsel for the informant/complainant has submitted that the occurrence alleged taken place and the police has the FIR.

14. I have considered the submissions of the parties, from the records it appears that the petitioner no. 1, 2 and 3 are the brothers-in-law (*Salas*) and petitioner no. 4 is father-in-law (*Sasur*) of the informant. Due to the matrimonial dispute, the present application has been filed by the O.P. No. 2 to preempt the filing of other litigations by the girls side. This is a *mala fide*



prosecution and the same should not be allowed to continue.

15. This application is allowed and is quashed against
all the accused persons.

(Sandeep Kumar, J)

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