

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.51416 of 2018**

Arising Out of PS. Case No.-34 Year-2017 Thana- NASRIGANJ District- Rohtas

1. FIROJ ANSARI @ MD. FIROJ ANSARI S/o Jamaluddin Ansari @ Md. Jamaluddin,
2. Md. Manaj S/o Jamaluddin Ansari,
3. Jamaluddin Ansari @ Md. Jamaluddin S/o Late Hakim Ansari, All are R/o Vill.- Nasriganj Ward No. 2, P.S.- Nasriganj in the District of Rohtas.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

**CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI**  
**ORAL ORDER**

2      04-07-2024                      This is an application under Section 482 Cr.P.C. filed by the petitioners for quashing the order of cognizance taken by the learned Judicial Magistrate, 1<sup>st</sup> Class, Vikramganj, Rohtas on 15.09.2017 against the petitioners for the offence punishable under Section 376, 420, 506/34 I.P.C.

2. It is contended on behalf of the petitioners that the defacto complainant is a married lady. Even assuming that she established a physical relationship with one Mohd. Firoj Ansari, one of her neighbors, such relationship is absolutely consensual and no offence under Sections 376, 420 I.P.C. can be said to be committed against the petitioners.

3. It is also contended on behalf of the petitioners that



the petitioner No.1 Firoj Ansari was not agreeable to the proposal of the informant to marry her. Therefore, as a result of enmity in order to wreak vengeance, the complainant has lodged false complaint, on the basis of which, police submitted charge sheet against these petitioners under Sections 376, 420, 506/34 I.P.C.

4. It is needless to say that the inherent power of this Court under Section 482 Cr.P.C. can be exercised only to give effect of any order or to prevent abuse of the process of the Court or to secure ends of justice. At this stage, it is not possible for this Court as to whether the relationship between the defacto complainant and Mohd. Firoj Ansari was consensual or not. It also cannot be held conclusively that the accused/petitioner No.1 had established physical relationship with the defacto complainant on false promise of marriage, the said fact can only be decided during trial of the case.

5. Therefore, I do not have any reason to quash the criminal proceeding against petitioner no.1.

6. However, there is no material in support of taking cognizance under Section 376, 420, 506/34 I.P.C. against petitioner No.2-Md. Manaj and petitioner No.3- Jamaluddin Ansari.



7. Accordingly, the case being G.R. Case No.252 of 2017 arising out of Nasriganj P.S. Case No.34 of 2017 be quashed as against petitioner No.2-Md. Manaj and petitioner No.3- Jamaluddin Ansari.

8. With the above order, the instant Criminal Misc. Application is disposed of.

**(Bibek Chaudhuri, J)**

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