

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45630 of 2023

Arising Out of PS. Case No.-74 Year-2023 Thana- KANKARBAG District- Patna

ACHINTYA PRAKASH Son of Sri Purnendu Prakash Resident of Kailash,
Pirmohani, P.S.- Kadamkuan, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raj Shekhar Son of Chandra Shekhar Resident of Mohalla - Golghar, P.S.-
Gandhi Maidan, District - Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hansraj, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 01-02-2024 1. Heard the learned counsel for the petitioner and the
learned APP for the State along with learned counsel for the O.P.
No.2 Mr. Shailendra Kumar Singh.

2. The learned counsel for the petitioner submits that
the present quashing application has been filed seeking quashing
of the F.I.R. being Kankarbagh P.S. Case No.74/2023 dated
20.01.2023 instituted under Sections 147, 341, 323, 504 and 506
of the Indian Penal Code in which charge sheet No.367/2023
dated 31.03.2023 was also submitted. The learned counsel for
the petitioner next submits that from perusal of the allegation as
alleged in the F.I.R., it would manifest that the informant (O.P.
No.2) alleges that he studies in Standard 12th of Shivam Convent



School and on 19.01.2023 while he was booking a cab from the gate of the school, one student of his class, namely, Siddharth Prakash along with 5 to 6 unknown persons started assaulting him with fists, kicks, belt, helmet etc. and abused his father and mother. Further, Siddharth Prakash assaulted him with helmet on his head, while other accused were assaulting with fist and belt, on account of which, he received injuries like swelling on his head and ache in his neck, back and stomach. It is further alleged that on 18.01.2023, he received a call from another student of Standard 12th namely, Achintya Prakash (petitioner), the said call was a conference call in which Siddharth Prakash was also tagged and thereafter it is alleged that all of them started abusing him and especially Siddharth Prakash abused his father and mother and also said that why he discloses their talk to his parents on account of which he was under mental pressure. It is next alleged that on 19.01.2023 Siddharth Prakash again abused him, as such he informed his father on phone. Thereafter the father of the informant talked to Achintya Prakash and also to Siddharth Prakash, who again talked very rudely with his father. It is next alleged that since he was assaulted by Siddharth Prakash and his friends, as such he feared that he would be killed.



3. The learned counsel for the petitioner thus submits that from bare perusal of the allegation as alleged in the F.I.R., prima facie no offence is made out against the petitioner nor the informant alleges that it was petitioner, who assaulted him rather the thrust of the allegation is against Siddharth Prakash and his six unknown friends. It is further submitted that the petitioner, Siddharth Prakash and informant are friends as such when the petitioner came to know about the occurrence he wanted to mediate in between Siddharth Prakash and the informant for which he made a conference call but then Siddharth Prakash instead of saying sorry again abused. It is further submitted that in sum and substance the allegation against the petitioner is that he made a conference call and talked rudely but then the allegation is exaggerated one. It is also submitted that the petitioner is a student and in the event if he is allowed to face the rigour of criminal trial his entire career would get jeopardized.

4. The learned counsel appearing on behalf of the O.P. No.2 based on instructions does not dispute the submissions made on behalf of the petitioner that petitioner was not involved in the occurrence of assault, as such he submits that he has instructions to make submission that the O.P. No.2 will have no



objection in the event if the F.I.R. is quashed with respect to the petitioner herein.

5. Considering the submissions made on behalf of the parties and taking into consideration the fact that the petitioner is a student of Standard 12th and is not alleged to have assaulted the O.P. No.2, as such, continuance of the F.I.R. would be an abuse of the process of the Court. Accordingly, Kankarbagh P.S. Case No.74/2023 dated 20.01.2023 instituted under Sections 147, 341, 323, 504 and 506 of the Indian Penal Code and further proceedings arising out of the said F.I.R. are quashed with respect to the petitioner only.

6. At the cost of repetition it is made clear that the F.I.R. and further proceedings if any has been quashed only with respect to the petitioner herein.

(Satyavrat Verma, J)

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