

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64979 of 2023

Arising Out of PS. Case No.-36 Year-2022 Thana- MAHILA P.S. District- Rohtas

1. RAM JIWAN SINGH SON OF LATE NASIBI SINGH RESIDENT OF VILLAGE- BHIKACHAK, PO- ANISHABAD, PS- GARDANIBAGH, DISTT- PATNA
2. MANJU DEVI WIFE OF RAM JIWAN SINGH RESIDENT OF VILLAGE- BHIKACHAK, PO- ANISHABAD, PS- GARDANIBAGH, DISTT- PATNA
3. SULEKHA KUMARI @ RINKU @ KUMARI SULEKHA @ RINKU WIFE OF NIRANJAN KUMAR RESIDENT OF VILLAGE- BHIKACHAK, PO- ANISHABAD, PS- GARDANIBAGH, DISTT- PATNA
4. NIRANJAN KUMAR SON OF SHAIENDRA KUMAR @ SHAIENDRA YADAV RESIDENT OF VILLAGE- BHIKACHAK, PO- ANISHABAD, PS- GARDANIBAGH, DISTT- PATNA
5. VIRENDRA PRASAD @ VIJENDRA KUMAR SON OF RAM JIWAN SINGH RESIDENT OF VILLAGE- SARIFA GANJ, PS- SIMALI MURARPUR, DISTT- PATNA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. DEEPU KUMARI WIFE OF KUMAR GAURAV @ TINKU RESIDENT OF VILLAGE- GHAGHA GALI, CHOCK PATNA CITY, PS- KHAJEKALA, DISTT- PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Saroj Kumar Sharma, Advocate
For the State	:	Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
C.A.V. ORDER

- 6 08-07-2024
1. Heard learned counsel for the petitioners and learned APP for the State. No one appears on behalf of the opposite party no.2.
 2. The instant application has been filed on behalf of the petitioners praying for quashing the F.I.R. of Mahila P.S. Case no.36 of 2022 registered under sections 498A, 341, 323,



354, 427, 379, 504, 506 and 34 of the Indian Penal Code.

3. As per the prosecution case based on the written statement of the opposite party no.2 addressed to the Officer-in-Charge of police station alleges inter alia that she was married to Kumar Gaurav @ Tinku as per Hindu rites and customs on 26.1.2015. At the time of marriage, her mother had given Rs.6 lacs, gold ornaments and had spent Rs.12 lacs. She was told that her husband was an MCA who was doing a private job, however, all this came out to be false. It is stated that the accused persons including her father-in-law, mother-in-law and sister-in-law started making demand of money as also abusing and assaulting her. She is working on the post of Constable. The accused persons used to take away her ATM Card. The informant states that on one pretext or the other the accused took Rs.1.5 lacs from her and she was assaulted and physically and mentally tortured. As such the FIR.

4. Learned counsel for the petitioners submits that the petitioners who are the family members of the husband of the informant have been falsely implicated in the case. There was a love affair between the informant and the co-accused Kumar Gaurav which led to them marrying. Soon after the informant got job as a Constable in the Bihar Police, she no longer wished



to continue with her husband Kumar Gaurav and with malicious intentions to get rid of the marriage she has falsely implicated her husband as also other family members in a false case by filing the F.I.R., quashing of which is prayed for. The petitioners have been living separately and have no concern with the affairs of the informant and her husband. As such, it is prayed that the F.I.R. be quashed.

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

6. Having heard learned counsel for the parties and having perused the contents of the F.I.R., it transpires that not only the petitioners are named therein but there is direct allegation against them by the informant of having abused, assaulted and having taken away of Rs.1.5 lacs from the informant.

7. The Hon'ble Supreme Court in the case of *M/S Neeharika Infrastructure Private Limited vs. State of Maharashtra & Others, (2021) 19 SCC 401* has observed that the Court cannot thwart 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 Supreme Court held that the



F.I.R. is not an encyclopedia which must disclose all facts and details relating to the offence reported. Further in the case of *State of Kerala and others vs. O.C. Kuttan and others, (1999) 2 SCC 651*, the Hon'ble Supreme Court held that the power to quash the criminal proceedings should be exercised very sparingly and the Court is not empowered to embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations.

8. In view of the facts and circumstances of the case, the contents of the F.I.R. and the submissions made, in the opinion of this Court, the petitioners have not made a case for quashing of the F.I.R.

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

(Partha Sarthy, J)

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