

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71348 of 2023

Arising Out of PS. Case No.-634 Year-2023 Thana- MADHEPURA District- Madhepura

Prithwiraj Yaduvanshi S/O Ram Sagar Prasad Yadav R/O Moh- Goshala
Chauk, Ward No.- 04, P.S And Distt.- Madhepura.

... .. Petitioner/s

Versus

1. The State Of Bihar Bihar
2. Raj Kumar Rajak S/O Dinesh Rajak R/O Ayodhyaganj Bazar, P.S- Kursaila,
Distt.- Katihar At Present Posted As Police (Constable) At The Office Of
Police Superintendant, Hindi Section, Madhepura.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha
For the Opposite Party/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 02-07-2024 Heard Shri Subodh Kumar Jha; learned counsel for
the petitioner, learned APP for the State and learned counsel for
the opposite party no. 02; Shri S.S. Sharma.

2. This application has been filed for quashing of
F.I.R. of Madhepura P.S. Case No. 634/2023 instituted under
Sections 341, 323, 354(A), 504, 506, 379 of the IPC and
Sections 3(1)(r)(s) of SC/ST Act.

3. The prosecution case in brief is that on 20-6-
2023 at 11.30 am, the informant went for admission of his wife
in B.Ed course and he was filling the form in another room, all
of a sudden the petitioner came in the room and asked him how



did you come here to enroll in this University. When the informant opposed, the petitioner abused and assaulted him and took golden chain and cash worth of Rs. 1,160/- and when his wife opposed then he abused her and pulled her scarp and threatened her.

4. Learned counsel for the petitioner has submitted that on the basis of written Report, F.I.R. of Madhepura P.S Case No. 634/2023 has been instituted u/s 341,323,3544,504,506,379 I.P.C. and 3 (1) (r) (s) of Sc/St Act. The petitioner is quite innocent and has falsely been implicated in this case due to illegal motive of police administration and University administration.

5. Learned counsel for the petitioner has further submitted that the petitioner has not committed any offence as alleged in the FIR by the informant. The petitioner is at present posted as computer operator, central Library, B.N. Mandal University, Madhepura. He further submitted that the strike was going on in the university of non teaching employees of the university under the leadership of petitioner since 19-6-2023 for their demand of arrears of salary as well as regular salary in the campus of university, due to this, university administration annoyed and at the instance of university administration, this



false F.I.R. has been lodged against petitioner through a police person of Sc/St community in connivance to each other, in fact no any such occurrence was occurred in the university.

6. Learned counsel for the petitioner has further submitted that on 20-6-2023 while the petitioner was on strike along with several non teaching employees, no such occurrence as alleged in the FIR was occurred in the University but at the instance of University administration and police administration, the present FIR has been lodged on 20-6-2023 at 17.30 PM in the evening against petitioner at the hand of informant Raj kumar Rajak who is posted as police (constable) in S.P office, Madhepura. He further submitted that the informant and petitioner are not known to each other and the petitioner could not have known that the informant comes from schedule caste community and the informant could not have been known that the name of the petitioner with his father name and his address which appear from FIR itself.

7. Learned counsel for the petitioner has further submitted that it was well known by social media, newspaper, web media about indefinite strike of non teaching employees in the University since 19-6-2023 and C.C.T.V camera was planted at different places in the University. I.O has not tried to take



footage of C.C.T.V. camera of date of occurrence that whether such occurrence took place or not. He further submitted that in the strike, several employees have participated including petitioner. Only petitioner has been implicated in this case.

8. The further contention of the petitioner is that no offence under SC/ST Act or the offences as alleged under the IPC are not made out. The petitioner is alleged to have used the word “Harijan” and he has not used any abusive language in public. He further submitted that the informant went in the University for admission of his wife in B.Ed course but he has not got admission of his wife in B.Ed, he has not given details that in which college he wanted to get admission of his wife.

9. The petitioner has also alleged that illegal gratification was demanded by Manoj Kumar Bachchan, I.O. of the case.

10. Learned counsel for the O.P. No. 02 has submitted that offences as alleged are made out against the petitioner and the present application should not be allowed at this stage i.e. the quashing of the F.I.R.

11. I have considered the submissions of the parties. The F.I.R. can only be quashed if no offence as alleged is made out or the F.I.R. has been filed mala-fide.



12. In the present case, the petitioner is alleged to have used the word “Harijan” and has not used any abusive word. In my opinion, no offence under *Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989*, is made out.

13. From reading of the F.I.R., it will also appear that there is no detail given in the F.I.R. about the name of the college in which the wife of the informant intended to take admission and nothing has been captured on the CCTV camera which were installed. It appears that due to a trivial dispute, the present F.I.R. has been filed by the informant against the petitioner who are not known to each other from before and therefore, it is not believable as to how the petitioner knew that the informant belongs to SC/ST category.

14. In these circumstances when no offence is made out against the petitioner and it appears to be a mala-fide prosecution, the continuance of the prosecution will be an abuse to the process of Court.

15. This application stands allowed and the F.I.R. of Madhepura P.S. Case No. 634/2023 instituted under Sections 341, 323, 354(A), 504, 506, 379 of the IPC and Sections 3(1)(r) (s) of SC/ST Act pending before the Addl. Sessions Judge 1st



cum Special Judge, SC/ST Act, Madhepura is hereby quashed.

(Sandeep Kumar, J)

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