

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4965 of 2023

Arising Out of PS. Case No.-173 Year-2021 Thana- PARSABAZAR District- Patna

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1. RAMESH PRASAD S/o Late Budhan Rajak R/o East Chanakya Colony (Nahar par) village- Nathupur, P.S.- Parsa Bazar, Distt- Patna.
 2. Komal Kumari W/o Ranjit Prasad @ Ranjit Kumar
 3. Ranjit Prasad @ Ranjit Kumar S/o Ramesh Prasad
 4. Manish Prasad S/o Ramesh Prasad
- All are R/o East Chanakya Colony (Nahar par) village- Nathupur, P.S.- Parsa Bazar, Distt- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ajay Deo Son of Rajdeo Prasad R/o Chanakya Colony (Nahar par) P.S. Parsa Bazar, Dist.- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyendra Narayan Singh, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 16-05-2024 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The instant application has been filed by the petitioners praying for quashing the first information report of Parsa Bazar P.S. Case no.173 of 2021 registered on 12.5.2021 under sections 341, 323, 354, 504 and 506 of the Indian Penal Code and section 8 of the POCSO Act.

3. As per the prosecution case, the informant states that on 12.5.2021 at about 6.30 p.m. while he was returning home, he saw and heard some hue and cry. It transpired that



Ramesh Prasad, Ranjit Kumar, Manish Prasad and wife of Ranjit Kumar were assaulting the wife, daughter and the mother-in-law of the informant. On the informant making an attempt to rescue them, it is stated that the accused persons also assaulted the informant. On hulla being raised, people from the village ran towards them and saved him. It is stated that the cause of the said occurrence is that on 31.1.2021, accused Ramesh Prasad had misbehaved and assaulted his 14 year old minor daughter. On the informant lodging a complaint in the police station, the said Ramesh Prasad had threatened her that he would kill her. It is stated that at times, he also used to molest her and used to show her objectionable videos. As such, it is prayed that appropriate steps be taken in the matter.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the case. It was the petitioner no.3 Ranjit Prasad who lodged the F.I.R. being Parsa Bazar P.S. Case no.172 of 2021, F.I.R. of which is Annexure-2 to the petition and it is in retaliation thereof that the instant false F.I.R. has been lodged. It is submitted that besides the said F.I.R. being registered on 12.5.2021, even earlier to the same on 2.2.2021, an informatory petition no.557 of 2021 was lodged by Ranjit Prasad (petitioner no.3) in the Court of learned Chief



Judicial Magistrate, Patna mentioning about the threats by the informant and others of implicating them in a false case. Even in the present F.I.R., there is a delay of five months in lodging of the F.I.R. It is prayed that the F.I.R. be quashed.

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

6. Having heard learned counsel for the parties and having perused the material on record, from the contents of the F.I.R. (Annexure-1), it transpires that there is specific allegation against all the four persons of having assaulted the wife, the mother-in-law and the daughter of the informant. There is further specific allegation about the petitioner no.1 having molested and misbehaved with the minor daughter of the informant which had led to the present occurrence.

7. The Hon'ble Supreme Court in the case of **M/s Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra and others [(2021) 19 SCC 401]** has held that the Court cannot interfere in the investigation and cannot enquire into the genuineness of allegations. Further in the case of **Superintendent of Police, C.B.I. and Others vs. Tapan Kr. Singh [(2003) 6 SCC 175]**, the Hon'ble Supreme Court has held that the first information report is not an encyclopaedia



which must disclose all facts and details relating to the offence reported.

8. Having heard learned counsel for the parties and taking into consideration the contents of the F.I.R. and specific allegations against the petitioners therein, in the opinion of the Court, the petitioners have not made out a case for interference by this Court for quashing of the F.I.R. The Court finds no merit in the instant application.

9. The application is dismissed.

(Partha Sarthy, J)

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