

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.967 of 2024

Arising Out of PS. Case No.-861 Year-2023 Thana- PIRBAHOR District- Patna

Md. Mahtab Alam @ Mahtab Alam S/o Md. Asgr R/o Mohalla - Waliganj, Lal Gali, P.S. - Arrah Nagar, Distt. - Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Superintendent of Police, Patna Patna
2. The Deputy Superintendent of Police, Sadar, Patna Bihar
3. The Officer-in-Charge, Pirbahor Police Station, Patna Bihar
4. Nazz Prween D/o Late Md. Siuddin R/o Dharhara, P.S. - Arrah Nagar, Distt - Bhojpur, Bihar, Presently Residing Sabzi Bag, Mahboor Bakery, Leela Wala, P.s - Pirbahore, Distt. - Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. P.N. Shahi, Sr. Adv.
		Mr.Saurav Kumar
For the Respondent/s	:	Mr.G.P.25

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 28-07-2025 Heard the parties including the learned counsel for the respondent no. 4.

2. This application has been filed on behalf of the petitioner for quashing the FIR being Pirbahore P.S. Case No. 861 of 2023 registered for the offence under Sections 385, 354(B), 506 of the Indian Penal Code and under Section 66(E) and 67 of the I.T. Act.

3. The prosecution case, in brief, is that the complainant gave a written application before police alleging



therein that Mahtab Alam (Petitioner) called on her mobile and demanded Rs. 20,00,000/- (Twenty Lakhs) and threatened that if the said demand is not fulfilled then she will be killed. Further it has been alleged that a fake ID is being created in her name and obscene photo and video are being uploaded on it and threat is being given to defame her and other female members of her family. The informant has further alleged that daily new ID is being created on her name and number and from these ID's she is getting vulgar messages. Her mobile number is 6201573908, 7903559540 and Mahtab Alam mobile No. is 8252695845, 6207223410 and from these numbers, she is being abused.

4. Learned senior counsel for the petitioner has submitted that though the petitioner and the respondent no. 4 are husband and wife but suppressing the same fact, the FIR has been filed by the respondent no. 4 in which the petitioner has been made an accused.

5. Learned counsel for the respondent no. 4 has appeared in this case and has admitted this fact that the petitioner and the respondent no. 4 are husband and wife.

6. From the aforesaid facts, it appears that the very basis of the FIR is false and this kind of malicious prosecution cannot be allowed to continue.



7. Accordingly, this application is allowed and the FIR being Pirbahore P.S. Case No. 861 of 2023 and all consequential proceedings arising out of the same are hereby quashed. However, the respondent no. 4 is given liberty to file an appropriate application in the Family Court concerned for restitution of conjugal rights.

(Sandeep Kumar, J)

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