

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3112 of 2024**

Arising Out of PS. Case No.-246 Year-2021 Thana- PALIGANJ District- Patna

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Mukesh Singh S/o Vijendra Singh R/o vill - Nagahar, P.O. and P.S. - Bikram,
Distt. - Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Soni Kumari D/o Shailendra Prasad R/o vill - Kharhatand, P.S. - Simri,
Distt.- Buxar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mrs.Archana Sinha, Advocate
For the Respondent/s : Mrs.Usha Kumari No.1, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 15-02-2025 Heard Mr. Rohit Kumar Tripathy, learned counsel

for the appellant and Mrs. Usha Kumari No.1, learned Spl. P.P.

for the State.

*2. The present appeal has been preferred
for quashing of order dated 5.8.2023
passed by the court of Special(SC/ST) No.
189/2021 Act Patna (Arising out of
Paliganj P.S. Case no 246/2021), by which
learned judge has taken cognizance against
the petitioner under section 3 (1) (r) of
SC/ST act and under section 420,419, 406,
506 I.P.C. Accordingly the learned Special
court has taken cognizance under the same*



*sections and directed the office to issue the
summons against the petitioner.*

3. As per the prosecution story, the informant alleged that there was an agreement between her and the appellant whereafter, the husband of the informant had given Rs. 7,05,000/- to him for purchase of the land but neither the land was executed nor the amount was returned and when the appellant was pressurized, he took caste name and threatened of dire consequences. This led to the FIR.

4. The Police investigated the matter and submitted charge-sheet under sections 420, 419, 406, 506 of the Indian Penal Code and section 3(1)(r) of SC/ST Act on 09.12.2022 which followed the cognizance order dated 05.08.2023.

5. Belatedly, the appeal has been filed by the appellant being aggrieved by the order. It is the case of the appellant as presented by Mr. Tripathy that it is purely a civil dispute inasmuch as the amount was allegedly given to the appellant which according to the FIR was not returned and only to put pressure, the present case and if it goes to the trial, it is abuse of process of law.

6. Mrs. Usha Kumari No.1, representing the State on the other hand has taken this Court to the FIR to show that the



allegation of the appellant not returning the amount is there, the further allegation is that he was threatened of dire consequences and also took caste name when the husband approached him and the date and time has also been provided in the FIR itself and in that background, the Court rightly took cognizance after the charge-sheet was submitted against the appellant.

7. Learned counsel for the appellant submits that he shall be taking positive steps in the matter to settle the dispute so that the appropriate petition is filed at the time of framing of charge.

8. It is the for the appellant to decide whether he wants to settle the issue or face the trial, for the present this Court finds force in the submission of the learned Special P.P. that a case is made out against him and in that background, the submission of charge-sheet followed by the cognizance order, needs no interference.

9. Accordingly, the Cr.Appeal (SJ) No.3112 of 2024 stands dismissed.

(Rajiv Roy, J)

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