

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68701 of 2021**

Arising Out of PS. Case No.-534 Year-2020 Thana- LAKHISARAI District- Lakhisarai

JAI SHANKAR PRASAD S/o- Late Genda Mahto Sakin - Suryanath Pokhar,
Ward no. -21, P.S. - Lakhisarai (Kavaiyaa), District - Lakhisarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR THROUGH ADDITIONAL CHIEF SECRETARY,
DEPARTMENT OF HOME GOVT. OF BIHAR, PATNA BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Pratap Singh

For the Opposite Party/s : Mr.Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 27-03-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing on behalf of the State.

2. This application has been filed for quashing of the entire criminal proceeding initiated on the basis of Lakhisarai P.S. Case No.534/2020 registered under Section 306/34 of the Indian Penal Code.

3. The allegation levelled in the written report of one Dr. Parmanand Verma dated 17-10-2020 resulting Lakhisarai P.S. Case No.534/2020 is as follows:

i) The petitioner was made accused no.7 in the said formal FIR.

ii) It was alleged that petitioner along with 6 other accused persons have threatened the deceased.



iii) It is alleged that regarding cause of occurrence is said to be from the civil dispute resulting Title Suit No.167/2019 and 28M2/2020 and 58M2/2020 pending in the Civil Courts of Lakhisarai.

iv) It is further claimed that despite the status-quo order one Rahul Rajendra Verma and his companion doing construction work forcibly upon disputed land.

v) It is further alleged that on 13-10-2020 all of the accused persons have threatened the informant and his deceased brother to kill them, as a result of which due to mental torture the deceased committed suicide.

4. It is submitted on behalf of the petitioner that the statement contains in aforesaid written report is patently false as there was no order of any status-quo in the Title Suit No.167/2019 which has been passed by the Civil Court at Lakhisarai. The aforesaid statement has been made on the basis the entire order sheet up to the suicide of the deceased.

5. The name of the petitioner is there in the suicide note. The petitioner wants quashing of the F.I.R.

6. The defence of the petitioner-accused cannot be considered at this stage under Section 482 of the Cr. P.C. Moreover, the name of the petitioner is mentioned in the suicide note of the deceased. The law for quashing the F.I.R. is clear and



settled that the Court will interfere only if the F.I.R. is *malafide* and if no offence is made out. Since this is not the present case, this application is dismissed.

(Sandeep Kumar, J)

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