

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87458 of 2024

Arising Out of PS. Case No.-397 Year-2019 Thana- BRAHMPUR District- Buxar

Ranjan Kumar S/o Bhikhari Yadav @ Bhikhan Yadav, Resident of Village-
Bhadi Dera, PS- Krishnabrahm, District- Buxar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smt. Mithilesh Singh W/o Mr. Nirbhay Singh R/o Chattarpur Extension
Sadhawan Apartment, Near Suman D 9, U.G.F. 4th Floor Near Suman
Chowk, New Delhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Chandan Kumar, Advocate
For the Opposite Party/s	:	Mr.Shyam Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 09-10-2025

Heard learned counsel appearing on behalf of the
petitioner and the learned APP for the State.

2. The present quashing application has been filed for
quashing of entire criminal proceeding initiated in Brahmpur
P.S.Case No.397 of 2019 registered for the offence under
Sections 420, 465, 468, 471, 793 and 120(B) of Indian Penal
Code.

3. The prosecution story in brief is that the informant
(O.P.No.2) has lodged Brahmur P.S.Case No.397 of 2019
alleging therein that a false and fabricated case bearing
Brahmpur PS Case No.284 of 2018 by the co-accused and



Krishnbrahm P.S.Case No.263 of 2018 had been lodged against her and her husband & others on the ground that they had taken Rs.2.5 lac in respect of providing job to them. As a result, the informant and her husband were put behind the bars, subsequently they suffer economic loss and mental torture. It is also alleged that the P.O. and the date of lodging of Brahmpur P.S.Case No.284 and 2018 and Krishnbrahm P.S.Case No.263 of 2018 are same.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner had lodged Brahmapur (Krishnabrahm) PS Case No.263 of 2018 on 10.06.2018 under Sections 406, 420, 467, 468, 471 and 34 of the IPC against the informant and her husband, who is informant of Brahmpur P.S. Case No.399 of 2019 and others alleging therein that the petitioner on the invitation of Nirbhay Singh (husband of informant) in the Year, 2017 the petitioner visited at his house (Jharsa, Gurgaon) where Mithilesh Singh (informant) was available alongwith him and he ensured to arrange a job to him in District Court of Haryana, and they demanded Rs.5,00,000/- for the same on 05.03.2017. Informant and her husband visited at the house of the petitioner, where the petitioner had given Rs.2,50,000/- and on 12.05.2017, the petitioner was called by



them to their house for giving the offer letter issued by the District & Sessions Judge, Gurgaon, Haryana, and demanded rest amount of Rs.2,50,000/-. The petitioner assured that he will make payment when he will come for joining. Before joining the petitioner verified the genuineness of the offer letter and found that it to be fake. Being cheated, the petitioner went to the house of Nirbhay Singh where the petitioner was abused by accused persons on 05.04.2018 and Nirbhay Singh gave a cheque of Rs.2,50,000/-, which got dishonored.

5. Learned counsel further submitted that after perusing the FIR, case diary and charge sheet, the learned CJM took cognizance under Sections 406, 467, 468, 471/34 of the IPC against the accused Nirbhay Singh and his wife Mithilesh Singh (informant) on 19.11.2018.

6. It is lastly submitted by the learned counsel that first to teach lesson to the petitioner and out of vengeance, the present FIR has been lodged. The petitioner has relied upon para no. 102 of State of Haryana vs. Bhajan Lal reported in 1992 Supp(1) SCC 335, case to the content that from the bare perusal of the FIR, it appears that in absence of any essential ingredients, no case is made out against the petitioner under Sections 420, 465, 468, 471, 793 and 120(B) of Indian Penal



Code.

7. Heard the Parties.

8. Considering the submissions made on behalf of the parties, as well as, the facts and circumstances of the case, I find it apt to refer a judgment passed by Apex Court, while considering the contents of ingredients of Sections 419, 420, 467, 468 and 471 of IPC in the case of Suresh C. Singhal & Ors. vs State of Gujarat & Ors. reported in Criminal Appeal No. 3862 of 2024 has observed in para 18 as under:

“The insistence on the part of the CBI to prosecute the Appellants appears to be primarily on the assumption that offences under Sections 420, 419, 467, 468 and 471 of IPC have been committed. The said offences and the proceedings arising therefrom, when seen, some of those offences are compoundable and with the matter having been amicably resolved, the Court ought to have proceeded to quash the same.”

9. Considering the facts of the case, submissions of the parties and the law laid down by the Apex Court in case of Suresh C. Singhal (supra) and in absence of any entrustment of the property by the informant to the petitioner, the learned Magistrate without considering that the the petitioner has also lodged a case under Sections 406, 420, 467, 468, 471 and 34 of IPC against the opposite party no.2 has taken cognizance of the offence in most mechanical manner.



10. Accordingly, entire proceeding in connection with
Brahmpur P.S.Case No.397 of 2019 against the petitioner is
hereby set aside and quashed.

11. Accordingly, the present quashing application
stands disposed of.

(Purnendu Singh, J)

chn/-

AFR/NAFR	NAFR
CAV DATE	13.10.2025
Uploading Date	NA
Transmission Date	NA

