

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2683 of 2019

Arising Out of PS. Case No.-32 Year-2017 Thana- DULHIN BAZAR District- Patna

Amant Sharma @ Santosh Sharma Sri Awadhesh Sharma, Resident of- Indira Nagar, Road no.4.,P.S. - Jakkanpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rohit Mishra

For the Opposite Party/s : Mr. Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 03-02-2026 Heard the learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, the learned counsel for the State.

2. This application has been filed for quashing of the order dated 15.03.2018 passed by the Additional Chief Judicial Magistrate-III, Danapur in connection with Dulhin Bazar P.S. Case No. 32 of 2017 by which cognizance was taken by the Court below for the offence under Sections 188 and 353 of the Indian Penal Code and Section 10 of the Bihar Conduct Examination Act.

3. The prosecution case, as per the written report lodged by Dr. Md. Qamar Saquib (the informant), is that the informant was appointed as the Center Superintendent for the Intermediate Examination, 2017, at Paras Nath Kushwaha College. On 17.02.2017, at about 9:40 A.M., while the deputed



Magistrate, Smt. Poonam Sinha, Sri Deepak Kumar, and other staff were preparing to distribute the question papers to the students, an unauthorized person entered the Examination Control Room and engaged in a heated altercation with the authorities present. It is alleged that the petitioner disturbed the ongoing process, created hindrance, and engaged in disruptive behavior, including shouting and hitting his hands on the table. It is further alleged that security personnel at the Examination Center intervened and escorted the petitioner out. Later, the informant came to know from the police that the petitioner's name was Amant Sharma @ Santosh Sharma, and that he had arrived in a Scorpio vehicle.

4. The learned counsel for the petitioner submits the petitioner did not commit any offence as alleged in the First Information Report (FIR). The petitioner has falsely been implicated in the present false and fabricated case due to the false ego of the authorities present at the said examination center. He further submits that the niece of the petitioner was an appearing candidate at the examination on the relevant date, and the petitioner had only gone to drop her off at the Examination Center. Due to his niece's illness, the petitioner brought his vehicle closer to the Center to assist her.



5. The learned counsel for the petitioner further submits that when the petitioner was returning, he was surrounded by police personnel, who allegedly began using abusive language towards him, resulting in a heated altercation between the petitioner and the authorities. He further submits that the matter was subsequently resolved through a compromise, and the petitioner believed that the situation had returned to normal, after which he returned to his residence. However, the petitioner later discovered that a false and fabricated case had been filed against him.

6. The learned counsel for the petitioner further submits that from the perusal of the FIR, it is evident that no *mala fide* intention has been attributed to the petitioner, and thus it would be clear that no criminal offence has been made out against him.

7. The learned APP for the State has vehemently opposed the prayer of the petitioner.

8. I have considered the submissions of the parties and have gone through the materials available on record. This Court is of the view that the ingredients of the offences under Sections 188 and 353 of the Indian Penal Code, as well as Section 10 of the Bihar Conduct Examination Act, are not made out in the



present case. The actions attributed to the petitioner do not *prima facie* constitute a criminal offence, as the petitioner had simply taken his niece to the examination. Continuation of the present prosecution against the petitioner would amount to an abuse of the process of the Court. It is evident that the prosecution against the petitioner is *mala fide* and has been launched solely to wreak vengeance.

9. In view of the foregoing discussions and considering the law laid down by the Hon'ble Supreme Court in the case of ***State of Haryana & Ors V/s Bhajan Lal & Ors, 1992 Supp (1) SCC 335.***, this application stands allowed.

10. Accordingly, the order dated 15.03.2018 passed by the Additional Chief Judicial Magistrate-III, Danapur in connection with Dulhin Bazar P.S. Case No. 32 of 2017 and all subsequent proceedings arising out of the aforesaid FIR are hereby quashed.

(Sandeep Kumar, J)

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