

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55205 of 2021

Arising Out of PS. Case No.-702 Year-2019 Thana- NAUBATPUR District- Patna

SANJEET SHARMA S/O RAMNATH SHARMA R/o village- Fatehpur, P.S.-
Naubatpur, District- Patna

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. JINAT KHATOON W/o Md. Wasardeen Ansari R/o village- Fatehpur, P.S.-
Naubatpur, District- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Patanjali Rishi, Advocate
For the Opposite Party/s : Mr.Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANSUL
ORAL JUDGMENT

Date : 22-06-2026

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks quashing of the order of cognizance dated 07.01.2020 passed in connection with Naubatpur P.S. Case No. 702 of 2019 by which the learned Special Judge, Protection of Children from Sexual Offences Act, 2012 has taken cognizance of the offences under Sections 341, 323, 354, 504 and 506 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

3. Notice was issued in the matter on 10.03.2026. Notice was received by the grandson of the informant. A jointness petition was filed by the counsel for the petitioner on 24.04.2026



stating that the notice has been received by the grandson and that the grandmother and the grandson are living jointly.

4. Learned counsel for the State Mr. J.N. Thakur is present and has assisted the Court in the disposal of this case. The allegation in the F.I.R. is that the informant is aged about 50 years and that on 03.11.2019 at 06:30 P.M., when she had gone to Fatehpur Shiv Mandir after performing the Chhath Puja, the petitioner Sanjeet Sharma started outraging the modesty of her daughter. There were others also who assaulted her. She stated that on an earlier occasion also, Sanjeet Sharma had attempted to rape her daughter. On the basis of the said complaint, Naubatpur P.S. Case No. 702 of 2019 dated 03.11.2019 was registered under Sections 504, 506, 354(b) and 354(c) of the Indian Penal Code. After investigation, the police submitted a charge-sheet, the case was committed to the court of Sessions, and the matter is running for evidence.

5. Learned counsel for the petitioner has informed the Court that three witnesses have already been examined. Nonetheless, the Court retains its jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023. It has been held in *Anand Kumar Mohatta vs. State (NCT of Delhi)* reported in *(2019) 11 SCC 706* that the advanced stage of a case does not



operate as a bar to the exercise of quashing jurisdiction. Even where witnesses have been examined, if the Court is of the opinion that the continuation of the prosecution amounts to an abuse of the process of the Court, it is empowered to quash the proceedings.

6. Learned counsel for the petitioner has taken this Court through the judgment dated 23.05.2007 in Sessions Trial No. 409 of 2007 arising out of Naubatpur P.S. Case No. 104 of 2006, which had been lodged by the elder daughter of the present informant for an offence under Section 376 of the Indian Penal Code against the present petitioner. The case resulted in the acquittal of the petitioner as the victim, her mother, her father, and the witnesses turned hostile. Apart from the above, the informant had also filed a case being Naubatpur P.S. Case No. 123 of 1999 for offences under Section 354 of the Indian Penal Code and other provisions against certain persons of the neighbouring village. All the accused were acquitted vide Annexure-P/3, vide order dated 15.07.2002 passed in Trial No. 1371 of 2002. In that case, only the informant appeared as a witness and, finding apparent contradictions in her statement and the other materials on record, the trial court acquitted the accused.

7. On the strength of the aforesaid material, learned counsel for the petitioner submits that the informant is a habitual



litigant who has a history of lodging cases that have not resulted in conviction and, in the case directly against the petitioner, her own family members gave up their version and turned hostile. The present case appears to be squarely covered by the grounds enumerated in *State of Haryana vs. Bhajan Lal and Others* reported in *(1992) Supp (1) SCC 335* with regard to *mala fide* litigation.

8. Learned Additional Public Prosecutor for the State has vehemently opposed quashing of the order of cognizance dated 07.01.2020.

9. Moreover, the quashing jurisdiction of this Court appears to have been further expanded by the Hon'ble Supreme Court in *Salib vs. State of U.P.* reported in *(2023) 20 SCC 194*, where in paragraph 26 it has been held that even when the F.I.R. appears to make out a *prima facie* case, the Court is empowered to read between the lines and analyze the attending circumstances in order to arrive at the conclusion that the prosecution is *mala fide* or not maintainable.

10. The materials on record clearly show a case of *mala fide* prosecution. Taking into consideration the ratio of *Bhajan Lal* and *Md. Salib*, the order of cognizance dated 07.01.2020 passed in connection with Naubatpur P.S. Case No.



702 of 2019 by the learned Special Judge, Protection of Children from Sexual Offences Act, 2012, and all the consequential proceedings arising therefrom, are quashed so far as the petitioner is concerned.

11. Accordingly, the present petition stands allowed.

(Ansul, J)

abhishekkkr/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.06.2026
Transmission Date	24.06.2026

