

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52362 of 2019

Arising Out of PS. Case No.-84 Year-2019 Thana- BAHADURGANJ District- Kishanganj

ASHISH SAHA Son of Late Debesh Saha Resident of Block No.7, Flat No.81,Arya Kumar Road, near Dinkar Chowk, opposite Priya Apartment, Rajendra Nagar, P.S.-Kadamkuan, District-Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Babita Kumari D/o Late Shashikant Mishra Resident of Village-Dumaria Bhatha, P.S.-Kishanganj, District-Kishanganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate

For the Opposite Party/s : Mr.Jharkhandi Upadhayaya, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 20-01-2026 Heard learned counsel for the petitioner and learned counsel for the State.

2. Despite valid service of notice, the O.P. No. 2 has not appeared.

3. The present application has been filed by petitioner for quashing the F.I.R. bearing Bahadurganj P.S. Case No. 84/2019 dated 24.03.2019 (G.R. No. 522/2019) registered for the offences under Sections 341, 323, 354, 384, 386, 427, 504, 506/34 of I.P.C.

4. As per the prosecution case, Babita Kumari complained of molestation, wrongful restraint, criminal intimidation, and vehicle damage while travelling near



Bahadurganj. Five armed persons, including the petitioner, allegedly stopped her vehicle, misbehaved, assaulted her companions, threatened her with dire consequences, demanded withdrawal of the case, damaged the vehicle and fled.

5. From perusal of the impugned order, it appears that a cryptic and non-speaking order has been filed without considering the allegations.

6. Considering the law laid down by the Hon'ble Supreme Court in the case of **Pepsi Food Limited and Anr. vs. Special Judicial Magistrate and Ors.** reported as **(1998) 5 SCC 749** and in view of the fact that earlier an FIR was filed in which the petitioner was exonerated and thereafter from the complaint, cognizance has been taken. From the record, it appears that it is basically a business dispute between the parties and in my view, the cognizance order cannot be sustained.

7. Hence, this application stands allowed and the F.I.R. bearing Bahadurganj P.S. Case No. 84/2019 dated 24.03.2019 is hereby quashed.

(Sandeep Kumar, J)

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