

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70643 of 2022

Arising Out of PS. Case No.-139 Year-2021 Thana- MAHILA P.S. District- Patna

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Pawan Kumar Son Of Gonaur Rai @ Gonor Roy R/V- Mithan Saray, P.O-
Mustafapur, P.S- Ahiyapur, Dist- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priyanka Kumari D/o Brajkishore Rai R/o Jangli Prasad Lane, P.S- Chowk,
Dist- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Prafull Chandra Jha
For O.P. No. 2		Mr. Ratnakar Jha
For the Opposite Party/s :		Mr. Ganesh Prasad Singh

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 31-01-2026 Heard learned counsel for the petitioner, learned
counsel for the opposite party no. 2 and learned APP for the
State.

2. The present application has been filed for quashing
of Special (POCSO) Case No. 168 of 2021, arising out of
Mahila P.S. Case No. 139 of 2021 dated 27.11.2021 registered
for the offences under Sections 506, 376 and 312 of the Indian
Penal Code and also under Section 4 of the POCSO Act.

3. Learned counsel for the petitioner has submitted
that the present FIR has been lodged with complete malicious
intent imputing absolutely false allegations against the petitioner
who happens to be an engineer working in the Tata Steel Ltd.,
Jamshedpur and it is also a fact that the petitioner and the



informant are both related to each other, inasmuch as the informant is the own sister of the aunt of the petitioner and it is only for the purposes of grabbing Rs. 2,00,000/- which had been given as a friendly loan that the present case has been filed at the instance of the family members of the informant including the husband and brother of the informant. Learned counsel has also emphasized on the fact that the present case has been lodged after a delay of six years for which no plausible reason has been tendered by the prosecution. It has also been submitted by him that the present position is that both the informant and the petitioner are now married and leading their separate life and opposite party no. 2 even attended the marriage of the petitioner indicating thereby that she may not be having any serious allegations against the petitioner. It has also been submitted that even during the course of investigation, no tangible material has surfaced against the petitioner and the independent witnesses who have been examined have also not supported the case of the prosecution.

4. Per contra, the present application is opposed by the learned APP for the State and also the learned counsel for the opposite party no. 2. Learned counsel for the opposite party no. 2 submits that the FIR discloses specific allegation against



the petitioner and the same also finds support from some materials during the course of investigation. It has also been submitted that in the present case only after the anticipatory bail application of the petitioner was rejected by the High Court and also by the Hon'ble Supreme Court that the present recourse to filing of an application under Section 482 of the Cr.P.C. for quashing of the FIR has been taken for which the inherent jurisdiction of this Court may not be exercised in favour of the petitioner.

5. Taking the rival contention into consideration and also considering the fact that the present application relates to quashing of FIR where the allegations have been made against the petitioner, it would not be proper for this Court to scuttle the investigation which is going on in the matter and the law has been settled in this regard by various judicial pronouncements. This Court would gainfully like to refer to the case of **M/s Neeharika Infrastructure Pvt. Vs. State of Maharashtra & Ors. reported in 2021 SCC OnLine SC 315** wherein the Hon'ble Apex Court has held that the power u/s 482 Cr.P.C. should be used sparingly. Courts cannot embark upon an inquiry as to the reliability or genuineness of the allegations made in the FIR/Complaint. Thus, this Court is taking into consideration the



fact that the power under Section 482 of the Cr.P.C. ought not to be used as an instrument to short-circuit a prosecution and bring about its sudden death, especially in background of the fact that the present application has been used as a remedial measure in wake of anticipatory bail of the petitioner being rejected up to the Hon'ble Supreme Court.

6. In such view of the matter, this Court is not inclined to quash the FIR at this stage as the investigation is still proceeding. However, the Investigating Officer of this case is directed to bring the investigation to its logical conclusion expeditiously and it is expected that he would take into consideration whether tangible materials feature during the course of investigation against the present petitioner and the substantial and inordinate delay caused in the lodging of the First Information Report itself may also be one of the factors to be considered before bringing the investigation to a close.

7. However, the petitioner would always have the liberty to cooperate in the investigation and submit before the Investigating Officer all his points of defence which would be considered in accordance with law and in the correct perspective.

8. With the above-mentioned observations and



directions, the present application stands disposed of.

9. I.A. No. 01 of 2024 filed on behalf of the opposite party no.2 is also disposed of as the main application itself has been decided on merits.

10. It is made clear that once the petitioner submits all his defence, the Investigating Officer who would be considering such defence may also take into consideration the fact that the petitioner is a professional who is working at Tata Steel, Jamshedpur and in such view of the matter, the Investigating Officer, may even consider to keep his arrest in abeyance till he reaches a conclusion with regard to his guilt.

(Soni Shrivastava, J)

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