

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60135 of 2018

Arising Out of PS. Case No.-538 Year-2015 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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Md. Younus Ansari S/o Late Md. Sharif Ansari, R/o Vill.- Chahunta, P.S.-
Haspura, District- Aurangabad Bihar, at present Posted and Working as
Deputy Collector, Land Reforms, Farbisganj, District- Araria.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Ram Shrestha Paswan S/o Late Baldeo Paswan, R/o Vill.- Bhandari, P.S.-
Belsand, Distt.- Sitamarhi.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Shailendra Kumar Dwivedi, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar, APP
For the Opposite Party No. 2:	:	Mr. Arvind Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

6 16-07-2026 Heard learned counsel for the petitioner and learned

APP for the State as well as learned counsel for the Opposite

Party No.2.

2. This application has been filed for quashing the
impugned cognizance order dated 16.08.2016 passed by the
learned Judicial Magistrate-1st Class, Sitamarhi, in Complaint
Case No. C-1/538 of 2015, by which learned Magistrate took
cognizance for the alleged offences under Sections 147 and 504
of the Indian Penal Code and ordered to issue summons upon
the petitioner.

3. As per the allegation, the complainant, a member of



the Scheduled Caste community, while visiting the local Shri Ram Janaki Temple for worship, he saw a panchayat being held nearby, over a house being unlawfully constructed on the temple land by one Shivji Sah. When the complainant stepped out, after offering prayers, accused persons 1 to 5 hurled caste-based slurs and abused him, for entering the temple. It has been further alleged that the petitioner also threatened to falsely brand the complainant a terrorist and locked him and he was kept under wrongful confinement for nearly six hours.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case out of personal vendetta, to spite personal score and to wreck vengeance. It has further been submitted that although provisions of SC/ST Act was mentioned in the complaint petition, but the learned Magistrate did not take cognizance against the petitioner under the provisions of SC/ST Act since the same was disbelieved by the learned Magistrate. It has further been submitted that no offence under Section 504 and 147 of the IPC is made out as no ingredients of Section 504 or ingredients of 147 of the IPC were present. It has further been submitted that at the relevant time, the petitioner was posted as Sub Divisional Officer, Belsand, and the petitioner had occasion



to act upon the public representation, whereas the complainant had forcibly and illegally captured the land of a temple, which created apprehension of breach of peace and the petitioner being a Quasi Judicial Body had gone to see that any breach of peace does not take place. It has further been submitted that due to that dispute, the petitioner has falsely been implicated by the complainant. It has further been submitted that no sanction has been taken against the petitioner. It has further been submitted that the very basis of the case, which was to humiliate the complainant due to his caste, was itself not found to be true by the learned Magistrate. Learned counsel for the petitioner has placed reliance on the judgment of a co-ordinate Bench of this Court, dated 23.03.2026, passed in Cr. Misc. No. 23310 of 2016 (Anil Kumar Jha Vs. The State of Bihar and Another), in which, the case against the accused persons were quashed and the Court has discussed the extent and scope of Section 482 of Cr.PC. Learned counsel for the has referred to Paragraph- 10, 11, 12, 13, 14 of the said judgment. It has further been submitted that in the said judgment, the scope of Section 197 of Cr.PC as regards the sanction has been discussed, which is reproduced hereunder:

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“16. The object and purpose underlying this Section is to afford protection



to public servants against frivolous, vexatious or false prosecution for offences alleged to have been committed by them while acting or purporting to act in the discharge of their official duty. The larger interest of efficiency of State administration demands that public servants should be free to perform their official duty fearlessly and undeterred by apprehension of their possible prosecution at the instance of private parties to whom annoyance or injury may have been caused by their legitimate acts done in the discharge of their official duty. This Section is designed to facilitate effective and unhampered performance of their official duty by public servants by providing for scrutiny into the allegations of commission of offence by them by their superior authorities and prior sanction for their prosecution as a condition precedent to the cognizance of the cases against them by the Courts. In this regard, the following judicial precedents may be referred to:

(i) Bhagwan Prasad Srivastava v. N.P. Mishra (1970) 2 SCC 56

(ii) Pukhraj Vs. State of Rajasthan (1973) 2 SCC 701

(iii) Lakshmansingh Himatsingh Vaghela (Dr) Vs. Naresh Kumar Chandrashanker Jah (1990) 4 SCC 169



(iv) *Centre for Public Interest
Litigation Vs. U.O.I. (2005) 8 SCC 202*

(v) *Choudhury Parveen Sultana Vs.
State of W.B., (2009) 3 SCC 398*

(vi) *State of Bihar Vs. Rajmangal
Ram (2014) 11 SCC 388*”

5. Learned counsel for the petitioner lastly submitted that the complainant has misused the process of law for an illegal gain.

6. Learned counsel for the State and learned counsel appearing on behalf of the Opposite Party No.2 have vehemently opposed the prayer of the petitioner and has submitted that petitioner being on a high official position misused his position and acted in a manner which created serious impact on the society, complainant being one of the members of the SC/ST community. It has further been submitted that the complainant was withheld for six hours and was abused and assaulted and was also forced to sign on a plain paper and the complainant is not aware as to what important document has been created against him.

7. Heard the parties, the criminal proceeding against the petitioner is liable to be quashed in view of the decision of the Hon'ble Supreme Court in the case of ***State of Haryana and Ors. vs. Bhajan Lal and Ors***, reported in **1992 Suppl. (1) SCC**



335, wherein the Hon'ble Supreme Court has held that if a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wrecking vengeance on the accused and with a view to spite his private and personal grudge. The sanction also have not been taken prior to taking cognizance against him. The facts emerging out of the present case goes to show that the prosecution against the petitioner has been prompted with mala fide intent to spite personal grudge and to wreck vengeance.

8. Considering the entire facts and circumstances of the case of justice, and the case is based on violation of agreement the continuation of the proceedings against the petitioner would serve no useful purpose.

9. In the aforesaid facts and circumstances, the impugned cognizance order dated 16.08.2016 passed by the learned Judicial Magistrate-1st Class, Sitamarhi, in Complaint Case No. C-1/538 of 2015 is hereby quashed.

10. This application is allowed.

(Praveen Kumar, J)

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