

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1011 of 2024

Arising Out of PS. Case No.-298 Year-2020 Thana- GARKHA District- Saran

1. Ankit Kumar Sharma S/o- Shailendra Kumar Sharma @ Shailendra Village- Baikunthpur Ps- Rajapakar Dist- Vaishali P/A- P.No-33, Lalpura Colony Vanasthali Marg Near Sindhi Camp Buz Stand Jaipur Rajasthan
2. Shailendra Kumar Sharma @ Shailendra S/o- Late Shrikant Sharma Village- Baikunthpur Ps- Rajapakar Dist- Vaishali P/A- P.No-33, Lalpura Colony Vanasthali Marg Near Sindhi Camp Buz Stand Jaipur Rajasthan
3. Abhinesh Kumar Sharma @ Abhinash Kumar Sharma @ Abhinash @ Abhinesh @ Abhishek Sharma @ Tinku Shailendra Kumar Sharma @ Shailendra Village- Baikunthpur Ps- Rajapakar Dist- Vaishali P/A- P.No-33, Lalpura Colony Vanasthali Marg Near Sindhi Camp Buz Stand Jaipur Rajasthan
4. Shalini Kumar Sharma @ Shalini W/o- Shailendra Kumar Sharma @ Shailendra Village- Baikunthpur Ps- Rajapakar Dist- Vaishali P/A- P.No-33, Lalpura Colony Vanasthali Marg Near Sindhi Camp Buz Stand Jaipur Rajasthan

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Kalawati Devi W/o- Shivji Manjhi Village- Mahmadpur Ps- Garkha Dist- Saran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Chittranjan Sinha, Sr. Adv.
	:	Mr. Sanchay Srivastava, Adv.
	:	Mr. Sushant Srivastava, Adv.
	:	Mrs. Sonali Priya, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, App.
For the Respondent No.2:	:	Mr. Rama Kant Sharma, Sr. Adv.
	:	Mr. Baban Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

JUDGMENT AND ORDER

C.A.V.

Date : 12 -05-2026

1. The present quashing application has been filed for setting aside the order dated 27.09.2023 passed in SC/ST Trial



Case No. 162 of 2023 arising out of Garkha P.S. Case No. 298 of 2020, whereby the learned Special Judge, SC/ST Act, Saran at Chapra, has taken cognizance of the offences punishable under Sections 341, 323, 354, 504, 506 read with Section 34 of the I.P.C. and Sections 3 (r)(s)(w) and 3(2)(va) of the SC/ST Act against the appellants.

2. The prosecution case, as per the FIR lodged by the informant, namely Kalawati Devi, is that she resides in the house of late Ramji Singh and she was a caretaker of his farmland and house. In June 2019, Manish Kumar, son of late Ramji Singh, was married with Shalini Sharma/appellant no. 4. After some time, Ankit Sharma and Abhinesh Sharma appellant nos. 1 and 3, who are brothers of Shalini Sharma/appellant no. 4, started visiting the house of late Ramji Singh and abused her, addressing her with her caste name and threatened to throw her belongings out of the house.

3. It has further been alleged that on 29.06.2020, appellants, along with two unknown persons, arrived in a car from their village Baikuntpur, Vaishali. Upon arrival, Shailendra Sharma and Abhinesh Sharma started hurling caste-based abuses and threatened the informant to vacate the house. The informant requested for some time to make alternative



arrangements and upon hearing this, appellant nos. 1 to 3 dragged the informant by her hair out on to the road, assaulted her and tore her *saree* in order to outrage her modesty. When the informant's husband intervened to save her, he was also assaulted by the appellants. The local people gathered at the spot after hearing noise. In the meanwhile, appellant no. 1 took out pistol, pointed it at the informant's forehead and threatened her to vacate the house failing which she would face dire consequences.

4. On the basis of aforesaid written report, FIR was lodged and after investigation, final form/charge sheet was submitted on 18.10.2022 against the appellants under Sections 341, 323, 354, 504, 506 read with Section 34 of the I.P.C. and Sections 3(r)(s)(w) and 3(2)(va) of the SC/ST Act. Thereafter, cognizance was taken by the learned Special Court on 27.09.2023 under the aforesaid Sections.

5. Mr. Chitranjan Sinha, learned senior counsel for the appellants, argued that the present case has been lodged in abuse of the process of criminal law inasmuch as the appellant no. 4 is wife of the informant's landlord, namely Manish Kumar, and the marriage was solemnized between them on 11.06.2019. After some time, there was marriage dispute between the husband and



wife for which appellant no. 4, wife of Manish Kumar, filed a police complaint in Jaipur bearing Mahila P.S. Case No. 08 of 2020 dated 20.01.2020 against her husband, namely Manish Kumar, and his family members under Sections 498A, 406, 323 of the I.P.C., alleging therein torture, assault and harassment for want of dowry.

6. It has further been argued that the appellants are permanent residents of Jaipur, Rajasthan, and not of Vaishali. The appellants for the last several decades have been living in Jaipur, Rajasthan, and even on the alleged date of occurrence, they were in Jaipur, Rajasthan. The address given in the FIR is merely the address of ancestral village of the appellants. The appellants resides and works at Rajasthan and are *de-facto* residents of Jaipur. The appellant no. 1/Ankit Sharma has studied from the childhood in a school at Jaipur and has passed his 8th Board Pattern Examination 2006 from Jaipur. Thereafter, he passed his matriculation examination from the Board of Secondary Education, Rajasthan, in the year 2008, Senior Secondary Examination in 2010 was also from Rajasthan. Thereafter, he was enrolled in the University of Rajasthan and passed Part III Examination in the year 2016. He was granted provisional certificate by the University of Rajasthan on



27.05.2016. The other documents such as Aadhaar enrollment was done on 18.06.2011 by the appellant no. 1, clearly shows that his address at that point of time was in Jaipur, Rajasthan. His domicile certificate, bank account passbook and insurance certificates, driving license, Aadhaar card including ITR bears the permanent address of Jaipur, Rajasthan.

7. The appellant No. 1 was in Jaipur on the alleged date of occurrence, which is evident from his biometric sheet attached in the memo of appeal and it is clearly evident from the CCTV footage, provided by the employer, that he was present in his office throughout the alleged date of occurrence/next day. The screenshot from the CCTV footage has been attached as Annexure P/12 series.

8. Similarly, the appellant no. 2, i.e., father of appellant no. 1, also resides at Jaipur and the relevant documents goes to show that the entire family has been living in Jaipur from the last several decades. The documents are the Family Ration Card issued by the Government of Rajasthan, Form 1-B of Employees' State Insurance (General) Registration Regulation, 1950, and all other important and relevant documents bears the address of Jaipur, Rajasthan. The appellant no. 3, who is the younger brother of appellant no. 1, whose document including



the educational certificate and other relevant documents, also goes to show that he is permanent resident of Jaipur, Rajasthan and not of Vaishali, Bihar. The appellant no. 4, who is the sister of appellant nos. 1 and 3, and her documents including educational certificates also goes to show that she was permanent resident of Jaipur, Rajasthan and not of Vaishali, Bihar, before her marriage with Manish Kumar, the landlord of respondent no. 2, on whose behest the respondent no. 2 has stoop very low that she resorted to making false allegations against the entire family of appellants owing to matrimonial dispute between husband and wife.

9. It has next been submitted that the present case has been lodged with oblique motive against the appellants, which appears to be on the pressure and/or at the behest of her landlord i.e. Manish Kumar and her mother, namely Ms. Meera and in whose house the respondent no. 2 resides as caretaker. The FIR has been lodged in order to wreck vengeance against appellant no. 4 and her family members for instituting case under Section 498A of the I.P.C. against them in order to use this case as a pressure tactics and a counterblast to coerce and blackmail them into withdrawing the case lodged at Jaipur.

10. Learned counsel lastly submits that appellant no. 2 is



suffering from paralysis and is unable to move as it is evident from the order sheet at the time of surrender. He relies upon the judgment of Hon'ble Supreme Court in **Mahmood Ali & Ors. Vs. State of UP & Ors. (2023) 15 SCC 488**, **Salib Alias Shalu alias Salim Vs. State of UP & Ors.** reported in **(2023) 20 SCC 194**, **Pradeep Kumar Kesarwani Vs. State of UP & Anr.**, reported in **2025 SCC OnLine SC 1947**, **Inder Mohan Goswami & Anr. Vs. State of Uttaranchal**, reported in **(2007) 12 SCC 1**, **State Of Haryana Vs. Bhajan Lal**, reported in **1992 Supp (1) SCC 335**.

11. *Per contra*, Mr. Rama Kant Sharma, learned Senior Counsel appearing for the respondent no. 2 submits that the informant is a caretaker and she has no connection with the case registered under Section 498A of the I.P.C. by appellant no. 4 at Jaipur. The appellants have humiliated and molested as well as abused by her caste name in the public place and in public view. She is not aware of the dispute between the appellants and the family members of the Late Ramji Singh.

12. He further submits that during the course of investigation, the informant and witnesses have fully supported the case and there is sufficient materials against the appellants for further proceedings. There is specific allegation against the



appellants that they called the informant by her caste name, assaulted her and also tried to outrage her modesty. The learned Special Court has rightly taken cognizance under the provisions of SC/ST (Prevention of Atrocities) Act, 1989, along with the relevant sections of the Indian Penal Code. He relies upon the decision of the Hon'ble Apex Court in **State of Madhya Pradesh vs. Babbu Rathore & Anr.**, reported in **(2020) 2 SCC 577**, **Sonu Gupta vs. Deepak Gupta & Ors.**, reported in **(2015) 3 SCC 424**.

13. I have heard learned counsel for the parties and have gone through the materials available on record, including the impugned order.

14. It is not disputed that marriage was solemnized in the year 2019 between the appellant no. 4 and Manish Kumar, i.e. landlord of respondent no. 2. Further, it is evident from the record that appellant no. 4 had lodged the police complaint in Jaipur bearing Mahila P.S. Case No. 08 of 2020 on 20.01.2020 against her husband and in-laws prior to lodging of the present FIR. From perusal of the FIR, it does not appear that the alleged abuse using the caste name was made in full public view with the intention to denigrate the prestige of the informant. Merely stating the caste name or using simple abusive language,



especially if not in full public view, does not automatically constitute an offense under Section 3(r) and (s) of the SC/ST (Prevention of Atrocities) Act, 1989.

15. In the judgment of **Salib alias Shalu alias Salim** (supra), the Hon'ble Supreme Court in paragraph 26 has observed that whenever an accused comes before the court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (Cr.P.C.) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the Court owes a duty to look into the FIR with care and a little more closely. It is so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, etc. then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the



purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482 Cr.P.C. or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation.

16. Similarly, the Hon'ble Supreme Court in **Mohd. Wajid & Anr. v. State of U.P. & Ors.**, reported in (2023) 20 SCC 219, has also held that:

"It will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and,



if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482 of the CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation.”

17. From perusal of the documents brought on record by way of supplementary affidavit, which are the screenshots of CCTV footage and certificate issued by the employer with biometric attendance, it is evident that the appellant no. 1 was at Jaipur on the alleged date of occurrence. The documents which are the part of electronic evidence can be safely placed under the category of unimpeachable documents. The appellant no. 2 is father of appellant no. 4 and is suffering from paralysis, which is also apparent from the order of surrender dated 05.01.2022. Appellant no. 3, who is brother of appellant no. 4, has also produced various documents showing the entire family are the residents of Jaipur.

18. Upon perusal of charge sheet, it appears that the charge sheet is cryptic and perfunctory, as it merely reproduces the penal sections and states in conclusory terms that the



offences are found true against the appellants and without setting forth any foundational facts or evidence. The investigation has been conducted in a routine and mechanical manner. Furthermore, the date of occurrence as mentioned in the FIR is 03.07.2020 and at that time there was Nationwide lockdown imposed in view of the Covid-19 pandemic and there was complete travel restrictions, which makes the allegation more dubious, as it is beyond imagination that the appellants will travel from Jaipur to the alleged place of occurrence at Saran, Bihar, which is more than 1000 kilometers in distance.

19. At this stage, it would be apt to refer to two decisions of the Hon'ble Supreme Court, in the case of **Nitin Ahluwalia vs. State of Punjab and Anr.**, reported in **2025 INSC 1128**, wherein it has been held that if the complaint is seen in isolation, then the approach of the learned Single Judge appears entirely to be in consonance with the established position of law-allegations have been made and so they have to be investigated. In certain cases, though it is not as straight cut as that, while it is true that elaborate defenses and evidence brought on record is not to be considered at this stage, it is equally true that a mechanical approach cannot be countenanced. What renders a judicial mind distinct is its



application to the given facts in accordance with law. Therefore, the court ought to have appreciated, at least to some extent, the background in which the respondent filed the subject FIR.

20. The analytical framework laid down by the Hon'ble Supreme Court in **Pradeep Kumar Kesarwani vs. State of UP (2025) SCC Online SC 1947**, becomes highly relevant. The court delineated four steps to determine the veracity of a prayer for quashing under Section 482 of the Cr.P.C., which are as follows:-

Step 1. Whether the material relied upon by the accused is sound, reasonable and indubitable, i.e., the materials is of sterling and impeccable quality?

Step 2. Whether the material relied upon by the accused would rule out the assertions contained in the charges leveled against the accused, i.e., the material is sufficient to reject and overrule the factual assertions contained in the complaint, i.e., the material is such, as would persuade a reasonable person to dismiss and condemn the factual basis of the accusations as false?

Step 3. Whether the material relied upon by the accused has not been refuted by the prosecution/complainant, and/or the material is such, that it cannot be justifiably refuted by the



prosecution/complainant?

Step 4. Whether proceedings with the trial would result in an abuse of process of the court and would not serve the ends of justice?

21. If the answer to all the steps is in affirmative, judicial conscience of the High Court should persuade it to quash such criminal proceedings, in exercise of power vested in it under Section 482 of the Cr.P.C.

22. In the present matter, it appears that respondent no. 2 has been set up by the husband and mother-in-law of appellant no. 4 to lodge the present FIR in order to take revenge for lodging FIR at Jaipur by appellant no. 4 against her husband and his family members. The informant has admitted in the FIR that she is domestic help/caretaker of the house of Late father of the husband of appellant no. 4.

23. The motive for instituting the FIR against the appellants appears to be at the behest of landlords/masters of the respondent no. 2, i.e., Manish Kumar and Meera Devi, in whose house the respondent no. 2 resides and work for profit. If attending circumstances, emerging from the record of the case, is taken into account and the FIR is read with due care and circumspection, this Court comes to the conclusion that the



criminal prosecution has been lodged in order to wreck vengeance on appellant no. 4 and her entire family for instituting a case under Section 498A of the I.P.C against the masters/landlord of respondent no. 2, including the husband of appellant no. 4. The FIR is a counterblast and tool to harass the appellants by way of launching false and malicious prosecution.

24. It is well settled principle that criminal prosecution must not be permitted as an instrument of harassment and private vendetta. The High Court is entitled to quash a proceeding if it comes to the conclusion that allowing the proceeding to continue would be an abuse of the process of the Court or that the ends of justice require that the proceeding ought to be quashed.

25. The case relied upon by learned Senior Counsel for the respondent no. 2 is not applicable in the facts and circumstances of the present case.

26. The learned Special Court has taken cognizance without appreciating the attending circumstances, and in mechanical manner.

27. Taking into consideration the aforesaid discussion and the attending circumstances of the case, this Court is of the view that a vexatious, frivolous and malicious complaint has been



instituted against the appellants with an ulterior motive for wreaking vengeance which is a counterblast to the FIR lodged by the wife/appellant no. 4 against her husband at Jaipur. The FIR was lodged by the domestic help/caretaker of the husband of appellant no. 4 and the same is in abuse of the process of Court to harass the appellants and the learned Special Court has taken cognizance without due application of judicial mind. Allowing the prosecution to continue will result in miscarriage of justice to the appellants.

28. In the result, the order taking cognizance dated 27.09.2023 passed by learned Special Judge, SC/ST Act, Saran at Chapra and the entire prosecution arising out of Garhka P.S. Case No. 298 of 2020 against the appellants is hereby quashed.

29. Accordingly, the present appeal is allowed with no order as to costs.

(Anil Kumar Sinha, J)

HarshPandey/-

AFR/NAFR	AFR
CAV DATE	16.03.2026
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