

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37247 of 2016

Arising Out of PS.Case No. -179 Year- 2016 Thana -MALSALAMI District- PATNA

Kailash Prasad Verma @ Kailash Kumar Verma @ Kailash Verma, S/o
Ramnath Prasad Verma, R/o Mohalla- Simli, Choti Mandir Gali, Police
Station- Malsalami, Dist.- Patna. At present in quarter No.-1021, Nehru
Park, Railway Colony, P.S.- Shastrinagar, P.O.- Sardarpura Dist.-Jodhpur,
Pin-342001 (Rajasthan).

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Satyendra Kumar Srivastava
For the Opposite Party/s : Mr. Sri Nawal Kishore Prasad

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

02/ 30-09-2016

The prosecution application has been filed
for quashing of First Information Report of Malsalami P.S. Case
No. 179 of 2016 registered for the offences punishable under
Sections 498A/34 of the Indian Penal Code and 3/4 of Dowry
Prohibition Act, pending in the court of learned ACJM, Patna
City, Patna.

It is submitted by learned counsel for the
petitioner that the petitioner happens to be younger brother of the
husband of the informant, hence, he has maliciously been roped in
the present case.

It is well settled law that the FIR of a

cognizable offence can be quashed if the accusations, even accepted under their face value, do not prima facie constitute any offences against the accused justifying investigation by the Police Officer under Section 156(1) of the Cr.P.C. or the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which, no prudent person can ever reach to a conclusion, that there is sufficient ground for proceeding against the accused or there is express legal bar under the Cr.P.C. or under any law for institution or continuation of such proceeding or where the criminal prosecution has been malafidely or maliciously instituted with an ulterior motive for wreaking vengeance on the accused due to private and personal grudge.

In view of this Court, the present case does not come within the abovementioned parameters which permit the Court to quash the criminal prosecution of a cognizable offence.

Accordingly, this application is disposed of with liberty to the petitioner to raise all the contentions on submission of final report under Section 173(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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