

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. M.P. No. 1904 of 2015

Somnath Ghosh..... **Petitioner(s)**

Versus

State of Jharkhand & anr..... **Opp. Party(s)**

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Coram: The Hon'ble Mr. Justice Ananda Sen
Through:-Video Conferencing

For the petitioner : Mr. K.K.Ojha, Advocate.

For the State : Mr. Rakesh Kumar, A.P.P.

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7/25.06.2020 The lawyers have no objection with regard to the proceeding, which has been held through video conferencing today at 10.30 A.M. They have no complaint in respect to the audio and video clarity and quality.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner, in this application, has challenged the FIR being Pakur Nagar P.S. Case No. 245 of 2014 (G.R. No. 553/2014), registered for the offence under Sections 323, 441, 354, 504/34 of the Indian Penal Code.

Counsel for the petitioner argues that there is a long standing dispute going on between the parties and that is the reason the petitioner has been falsely implicated in this case. He further submits that the maidservant of this petitioner had already filed a case prior to filing of this instant FIR as a result of which, because of grudge, this FIR has been registered. He submits that the petitioner is the Vice Chairman of the Municipality and the informant is the Ward Parshad. He submits that some work of construction of drain was being done, which was of below standard and some land was also encroached during construction of drain, which this petitioner objected, resulting in this false case against him. He further submits that Annexure-4 is the document, which suggests that there was an inquiry at the behest of the SDO and it has been stated that there was dispute between the parties. He submits that the entire allegations are false and liable to be set aside.

I have gone through the FIR. In the FIR, it has been mentioned that the petitioner assaulted the informant. Even there are allegations, which constitute offence under the Indian Penal Code and also under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. From perusal of the FIR, it cannot be said that no offence is made out. The defence of the petitioner is a factual aspect, which cannot be looked at the stage of quashing of the FIR. More so, when it is an admitted case that there was disputed between the parties, it cannot be said that the incident, which

has been mentioned in the FIR has not happened. The entire allegations, which have been leveled and the incident which allegedly occurred, need investigation.

Since, it is necessary to investigate the allegations leveled in the FIR, I am not inclined to quash the FIR as the offence is made out. Thus, this application stands dismissed.

I.A. No. 2194 of 2020 also stands dismissed.

(Ananda Sen, J)