

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70170 of 2024**

Arising Out of PS. Case No.-122 Year-2024 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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Saurav Raj, S/O Dilip Kumar Sinha, Resident of 405 B Hope Shivalik Apartment, West Boring Canal Road, Anand Puri, Patna- 800001 and presently residing at House No. 01, Magistrate Colony, Damu Chowk, in front of Arunodya Homeopathy, Muzaffarpur- 842001

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sonakshi Verma, D/O Sunil Verma, R/O B-1/22, Sector- A, Kapurthala Aliganj, P.S- Aliganj, Lucknow, Uttar Pradesh-2206024 Presently posted as Registrar Bihar Land Tribunal, 11 off Polo Road, Patna, Bihar- 800014

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhukar Mohan, Advocate
For the Opposite Party/s : Ms. Nirmala Kumari, APP
For the Opposite Party No.2: Mr. Raju Giri, Advocate
Mr. Harsh Vardhan, Advocate
Mr. Harsh Raj, Advocate
Mr. Chetan Anand, Advocate

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**CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
CAV JUDGMENT**

Date : 26-02-2026

Heard Mr. Madhukar Mohan, learned counsel for the petitioner; Mr. Raju Giri, learned Senior counsel assisted by Mr. Harsh Vardhan, learned counsel, for the opposite party no.2 and learned A.P.P. for the State.

2. The present application has been filed by the petitioner invoking the inherent jurisdiction of this Hon'ble



Court for quashing the order dated 13.05.2024 passed by the learned Additional Chief Judicial Magistrate-I, East, Muzaffarpur in Kazi Mohammadpur P.S. Case No.122 of 2024 by which the learned Additional Chief Judicial Magistrate-I, East, Muzaffarpur has accepted the final form submitted by the Investigating Officer.

3. The facts giving rise to the present application is to the effect that the petitioner lodged an FIR bearing Kazi Mohammadpur P.S. Case No. 122 of 2024 dated 10.04.2024 alleging therein that on 26.03.2023 at around 10:15 AM while he was on the duty of maintaining law and order on account of the visit of the Hon'ble Governor of Bihar at District Guest House, Muzaffarpur, his wife/ opposite party no.2 all of a sudden came to the guest house and started shouting at him using vulgar language. It is alleged that she slapped him a couple of times and also hit him on his head and on his back. The opposite party no.2 is said to have caught him by his collar and started dragging him, resulting in his shirt being torn. It is alleged that she demanded that she should be taken in his official car to do some work and she started accusing him of telling lies and on the helplessness being shown by the petitioner, she started misbehaving with him and even



obstructed him from performing his official government duty. It is further alleged that the opposite party no.2 snatched away the purse and the key and she stayed back at the guest house. It is alleged that the petitioner, on account of such behaviour of his wife/ opposite party no.2 felt uncomfortable and thereafter, since 28.03.2023 he has stopped living with his wife.

4. It is alleged in the FIR that the petitioner had made the complaint earlier on 16.05.2023 and then on 27.05.2023, he had produced the statements of five eyewitnesses on oath before the Kazi Mohammadpur police station. It is alleged that despite his repeated requests, the FIR was not registered. Then the Senior Superintendent of Police, Muzaffarpur, consulted the Government Advocate and thereafter he was informed that to register an FIR against a serving Judicial Officer in Bihar, permission of the Chief Justice of Patna High Court, Patna is required in light of the judgment settled by the Patna High Court in Cr.W.J.C. 1391 of 2021. Thereafter, the petitioner wrote a letter to the Hon'ble the Chief Justice, Patna High Court, seeking permission to register an FIR against his wife/ opposite party no.2 on 22.09.2023 and waited for the reply, but he was not given any reply. The petitioner even made an RTI application, which was subsequently answered on 20.03.2024. It



is stated that on 23.03.2024, the petitioner sought permission of the Senior Superintendent of Police, Muzaffarpur, to register an FIR and it is stated that on their orders, he was making the written report for registration of FIR before the Station House Officer, Kazi Mohammadpur Police Station.

5. It is on such a written report that Kazi Mohammadpur P.S. Case No. 122 of 2024 came to be registered on 10.04.2024. The police, after investigation, submitted final form with an opinion that the said case was an error of law.

6. The petitioner, being aggrieved by such submission of the final form, has approached this Court against the order passed by the learned Additional Chief Judicial Magistrate-I, East, Muzaffarpur, whereby, vide order dated 13.05.2024 the learned Trial Court has accepted the final form submitted by the I.O. of Kazi Mohammadpur P.S. Case No. 122 of 2024.

7. Learned counsel for the petitioner submits that the marriage of the petitioner with the opposite party no.2 was solemnized on 15.02.2021 and right since the marriage, it has been alleged by the petitioner, the opposite party no.2 was apathetic towards the petitioner and his family members and, therefore, the petitioner was compelled to institute a divorce petition before the learned Principal Judge, Family Court, Patna



on 21.05.2022.

8. It has further been submitted by the learned counsel for the petitioner that after the institution of the divorce case, the harassment of the opposite party no.2 and her family members intensified and by misusing the legal provision, the father of opposite party no.2 instituted one case being Aliganj P.S. Case No.180 of 2022 on 15.06.2022 in Lucknow district of Uttar Pradesh for the offences under Sections 498A, 323, 204 and 206 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act, 1961.

9. It has next been submitted that the opposite party no.2 in connivance with her domestic helper, lodged another false case of rape against the petitioner in Madion P.S. of Lucknow district, being Madion P.S. Case No. 345 of 2022 on 16.06.2022. It has been submitted that final form in the said case was submitted finding the allegations levelled against the petitioner to be baseless. It has also been submitted that the application for quashing the case lodged against him is also pending before the Hon'ble High Court at Lucknow.

10. Learned counsel for the petitioner submits that the opposite party further filed a domestic violence case bearing Domestic Violence (D.V.) Case No. 3288 of 2022 and in the said



case, an ex-parte judgment was passed and Rs.10,000/- monthly maintenance was directed to be paid by the petitioner. It has been submitted that the said order is also under challenge.

11. Learned counsel for the petitioner further submits that the opposite party no.2 did not stop from filing false cases but has gone on to send highly defamatory letters to the various authorities within the State of Bihar alleging that the petitioner has illicit relationship with his elder brother's wife. The petitioner was even show caused by the District Magistrate of Muzaffarpur on account of such letters, which was highly detrimental to the reputation of the petitioner's family. The petitioner, on account of such defamatory letter, has also filed a complaint before the Chief Judicial Magistrate, Muzaffarpur, being Complaint Case No.1251 of 2024 and the same was dismissed on many grounds, especially the ground of territorial jurisdiction.

12. Learned counsel for the petitioner further submits that for an act of violence committed by the opposite party no.2 and her family members, he had also instituted a complaint case bearing Complaint Case No.739 of 2022 on 12.07.2022 which too was heard and dismissed under Section 203 of the Cr.P.C. by order dated 13.03.2024 and the petitioner has preferred a



revision against the said order.

13. Learned counsel for the petitioner next submits that during his posting as Senior Deputy Collector at Muzaffarpur district, where the opposite party no.2 was also posted as Judicial Officer, the incident on 26.03.2023 occurred where the wife had abused and beaten the petitioner at the Guest House of Muzaffarpur while he was discharging his duty and hence he has submitted a letter to the local police station against the opposite party no.2, however, no case was instituted and he was informed that he needs to take consent from the Hon'ble High Court in order to register the FIR against a Judicial Officer.

14. Learned counsel for the petitioner submits that he had no option but to write a request letter to the Hon'ble Chief Justice on 12.09.2023, wherein the entire incident was narrated and a consent was sought for lodging of a FIR. It has been submitted that he did not get any information, and therefore he sought information through RTI application and he also filed a first appeal as he did not get the required information within time. On 20.03.2024, the petitioner finally received information for his RTI application, which said that after going through the explanation submitted by the Judicial Officer and the report by



the District Judge, Muzaffarpur, no further action is required and the same was consigned.

15. Learned counsel for the petitioner submits that the petitioner, not being able to comprehend the information provided by the Hon'ble High Court, sought clarification with regard to registration of an FIR against a judicial officer from the District Prosecution Officer, Muzaffarpur. He got a reply from him stating therein that "for the acts done by a Judicial Officer in their own personal capacity, permission of the Chief Justice of the Hon'ble High Court, Patna, is not required to lodge FIR. It is only after receiving such an opinion from the District Prosecution Officer, Kazi Mohammadpur P.S. case No. 122 of 2024 was finally lodged against the opposite party no.2 for the offense under Section 341, 323, 353, 204 of the Indian Penal Code on 10.04.2024. The petitioner, having apprehension that the investigation of the case may be affected, also filed a protest application in the Court of learned Additional Chief Judicial Magistrate.

16. Learned counsel for the petitioner submits that during his work hours he received a call that he is being called upon by the Additional Chief Judicial Magistrate-I, East Muzaffarpur, to argue on his protest petition and he found that



the said court was predetermined to decide the case without even serving proper notice to the petitioner. It is a specific case of the petitioner that neither his learned counsel nor the petitioner was heard before passing of the impugned order. It has been submitted that even the learned counsel for the petitioner had submitted a complaint before the District Bar Council, Muzaffarpur, Bihar State Bar Council, as well as the Bar Council of India, about the conduct of the said learned Judicial Officer. A complaint was also sent to the learned Registrar General, Patna High Court, Patna, with regard to the same.

17. Learned counsel for the petitioner submits that in a very mechanical order with elaboration as to what was the settled proposition of law accepted the final form submitted by the I.O. vide order dated 13.05.2024. It has further been submitted that merely relying on the submission made by the learned S.D.P.O., no sanction was obtained prior to lodging of the FIR and therefore, the institution of the FIR was a legal error and therefore, the final form was accepted.

18. Learned counsel for the petitioner refers to and relies upon a judgment passed by the Hon'ble Supreme Court in ***K.Veerawami vs. Union of India*** reported in ***(1991) 3 SCC***



622, wherein the Hon'ble Supreme Court has held that no criminal case shall be registered under Section 154 of the Cr.P.C. against a judge of the High Court, Chief Justice of High Court or judges of the Supreme Court unless the Chief Justice of India is consulted in the matter. It has been submitted by the learned counsel for the petitioner that the case in hand is completely different and the opposite party does not come within the parameter as defined under the said judgment.

19. The learned counsel for the petitioner further relies upon a Judgment rendered in *U.P. Judicial Officer's Association vs. Union of India & Ors.* reported in (2002) 8 JT 133 wherein the constitution of Bench of the Hon'ble Supreme Court has recorded as under:

"The Counsel also urged that some additional guidelines be issued to the effect that before lodging an FIR against any Judicial Officer, the Permission of the Chief Justice of the High Court should be obtained irrespective of the fact that the alleged offence are in discharge of his official duty or purported discharge of his official duty. We do not think it necessary to issue any such direction, as present in the case in hand. The interim orders and directions issued in this case as well as the guidelines indicated by the this Court in the Case of Delhi Judicial Service Association are sufficient to protect the independence of the Judicial Officers."



20. The learned counsel, while referring to the judgment passed in Ramila Thapar vs. Union of India reported in (2018) 10 SCC 723, wherein the Hon'ble Apex Court has held that the victim has also a right to fair investigation and fair trial and thus taking the protection from the aforesaid observation made by the Hon'ble Apex Court the learned counsel for the petitioner submits that he may also be assured that a fair investigation in the case should be done and the same should not be thwarted at the threshold. Learned counsel for the petitioner, thus, submits that the impugned order dated 13.02.2024 has been passed completely ignoring the settled law and is thus untenable and is fit to be set-aside.

21. Mr. Raju Giri, learned Senior counsel appearing on behalf of the opposite party no.2 has stated that he would not be adverting to the minute details of the actions committed by the petitioner against the opposite party no.2, however, he has pointed out that the petitioner had been assaulting his wife/opposite party no.2 as she had been opposing the illicit physical relationship with his Bhabhi (sister-in-law) and therefore the opposite party no.2 had no option but to file domestic violence case. It has further been submitted that in a very peculiar manner, while the opposite party no.2 was staying



along with the petitioner, he had surreptitiously filed a matrimonial case seeking divorce before the learned Principal Judge, Family Court, Patna, being Matrimonial Case (Divorce) No. 653 of 2022 on 21.05.2022.

22. Learned Senior counsel has submitted that during the course of mediation as per the directions of the Hon'ble High Court, Lucknow Bench, mediation had taken place between the petitioner and opposite party no.2 and they had also started living together in order to dissolve the dispute, however, the petitioner just after few days of residing together started torturing, abusing and threatening the opposite party no.2 and the opposite party no.2 found two spy audio recorder installed by the petitioner in her bedroom without her knowledge and when she found that her personal conversation was being recorded in the same, she confronted the petitioner on 28.03.2023, however, it was the petitioner who has abused her and threatened her to kill and then she took all her belongings and left, for which the opposite party no.2 had also filed a complaint. It has also been informed that an application on 07.04.2023 was also made before the Organizing Secretary Mediation and Conciliation Center, High Court, Lucknow and had brought to the notice of the concerned Officer with regard to



the incident occurred on 28.03.2023 and thereafter the mediation failed.

23. Learned Senior counsel has stated that the opposite party no.2 filed a case at Muzaffarpur Being Town P.S. Case No. 295 of 2025 on 15.04.2023 for the offences under Sections 498A, 341, 323, 504 and 506 of the Indian Penal Code with the allegations that while she was living together with the petitioner in pursuance to the direction of the Hon'ble High Court, Lucknow Bench, she was assaulted by the petitioner when she confronted him. It has further been submitted that in retaliation to the raising of voice against the petitioner, complaint cases were filed against the opposite party no.2 which were found to be false and were even dismissed.

24. Learned Senior counsel for the opposite party no.2, thus, submits that without seeking the permission of the Hon'ble Chief Justice, Patna High Court, the FIR should not have been lodged at all and therefore the submission of final form and acceptance of the same is not illegal and the police had rightly submitted the final form stating it to be an error of law and by a very detailed order the learned Court of Additional Chief Judicial Magistrate-I, Muzaffarpur, has accepted the final form, taking into account the entire facts. It has next been



submitted that the protest petition of the petitioner was referred to and considered and then it came to a conclusion that the report submitted by the police finding it to be an error of law was correct and there was no material available on record to proceed further in this case.

25. Learned counsel for the opposite party no.2 further refers to the judgment passed in the case of *U.P. Judicial Officer's Association vs. Union of India & Ors. (1994) 4 SCC 687* wherein the Hon'ble Apex Court had directed that when any criminal conduct is attributed to a Judicial Officer in discharge of his duties or in purported exercise or discharge of his duties, no crime for investigation should be registered pursuant to FIR without the permission of the Chief Justice of High Court concerned.

26. Having heard the learned counsel for the parties and having also perused the pleading made by the respective parties, this Court finds that the law is well settled in such cases where a criminal case is to be instituted against a Judicial Officer, permission with regard to the same is required to be sought from the Hon'ble Chief Justice of the concerned High Court and then only the FIR should be instituted.

27. I find that the arguments raised by the learned



counsel for the petitioner that no permission is required to institute an FIR, if a cognizable offence has been committed is also not tenable in the present facts and circumstances of the case and also taking into consideration the judgment rendered in ***U.P. Judicial Officers' Association*** (Supra) wherein in additional guidelines as contained in ***Delhi Judicial Service Association v. State of Gujarat*** reported in ***1991 (4) SCC 406*** this Court finds that “No crime for investigation should be registered pursuant to any FIR without the permission of the Chief Justice of the High Court concerned.”

28. In view of the above, the application does not warrant any interference with the impugned order.

29. The application stands dismissed.

(Sourendra Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	06.02.2026
Uploading Date	27.02.2026
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