

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74324 of 2024

Arising Out of PS. Case No.-639 Year-2024 Thana- PIRBAHOR District- Patna

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Ritambhara Kumari D/O Satendra Kumar @ Jitendra Kumar R/O Village-
Mauri, P.S.- Piarpura, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Madhuri Devi W/O Late Ram Angarh Narayan Singh R/O- South Lakhbag
near Gauri Kanya Vidyalaya Manpur thana- Muffasil Dist.- Gaya.

.. ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Mukesh Kant, Advocate
	:	Mr. Rajat Kumar Tiwary, Advocate
	:	Ms. Deepika Sharma, Advocate
For the Opposite Party/s	:	Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL JUDGMENT

Date : 21-08-2026

Heard learned counsel for the petitioner and learned APP
for the State.

2. Notice has been issued to the opposite party no.2
which was accepted as validly served, while opposite party no.2
has chosen not to appear in the present proceedings.

3. By way of filing the present application, the petitioner
prays for quashing of the F.I.R. bearing Pirbahor P.S. Case No.639
of 2024 dated 21.09.2024 registered under Sections 126(2),
115(2), 352, 351(2) and 3(5) of the B.N.S.

4. The short facts of the case, arising out of the First
Information Report, are that the petitioner is alleged to have
abused, assaulted and pressurized the informant to withdraw the



case (S.T.R. No.72 of 2020). It is also alleged that the petitioner was threatened to face dire consequences if the said case was not withdrawn.

5. Learned counsel for the petitioner has submitted at the outset that the petitioner is an advocate by profession and the present FIR is out and out a case of malicious prosecution on account of the fact that this petitioner happens to be the advocate of adversary of the informant. It is further submitted that the allegations made in the First Information Report itself, on the face of the record, do not make out any criminal case against the petitioner, much less the ones under which it has been alleged.

6. The attention of this Court has also been invited to Annexure-2, which is an FIR lodged by the present petitioner on the same date, which was in the form of a complaint before the Additional District and Sessions Judge, Patna Sadar, disclosing allegations against the present informant who intercepted her while she was going to her seat in the Civil Court and threatened her of dire consequences. This Court has also been taken through the paragraphs no. 7 and 8 of the petition to contend that the informant is a professional litigant which manifests from a number of cases, eight of which have been enumerated therein which has been lodged against different accused persons. On account of such



grounds as advanced and especially in view of the case and counter case, the learned counsel for the petitioner has prayed for quashing of the present First Information Report and any prosecution arising therefrom as against the present petitioner, who is an advocate by profession.

7. Learned APP for the State is present and has opposed the present application.

8. I have perused the entire materials on record and especially impugned FIR, upon perusal of which, I find that the allegations are totally vague and do not make out any case against the present petitioner. The narration of facts in the FIR read in juxtaposition with the FIR lodged by the present petitioner is also reflective of the fact that the present case is a malicious prosecution filed against the present petitioner only on account of the fact that she happened to be the counsel of the adversary of the opposite party no.2.

9. In view of the above-mentioned facts and circumstances and after having carefully considered the material on record, this Court is of the considered view that no offence against the present petitioner is made out from the impugned FIR and continuance of any proceedings against a law professional made by some professional litigants would only amount to an



abuse of the process of the Court and if such frivolous litigations are not quashed, the same would also set bad precedents.

10. In view of the foregoing discussion and also considering the fact that the present case falls within the ambit of category (1), (2), (3) and (5) of the **State of Haryana Vs. Bhajan Lal**, reported in **(1992) Supp (1) SCC 335**, Pirbahor P.S. Case No.639 of 2024 and any prosecution therefrom, so far as it relates to the petitioner, stands quashed.

(Soni Shrivastava, J)

anand/-

AFR/NAFR	NAFR
CAV DATE	NA
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