

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66457 of 2024

Arising Out of PS. Case No.-43 Year-2019 Thana- KARJAIN District- Supaul

Rahul Kumar S/o Upendra Narayan Singh R/o Village- Khuthan, P.O.-
Dihra , ,P.S- Obra, District- Aurangabad- 824130

... .. Petitioner/s

Versus

1. The State of Bihar
2. Arvind Kumar Amar S/o Giranand Mandal R/o vill - Tharuapari, P.O. -
Khajuri, P.S. - Bhargama, Distt. - Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jitender Kumar, Adv. Mr. Himanshu Shekhar, Adv. Mr. Gulfeshan, Adv. Mr. Gyaneshwar, Adv.
For the Opposite Party/s :		Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL JUDGMENT

Date : 24-07-2026

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

2. The instant application has been filed for quashing of First Information Report (hereinafter referred to as 'F.I.R.') of Karjain P.S. Case No.43 of 2019, dated 07.05.2019, instituted under Sections 143, 341, 323, 353, 379, 427 of Indian Penal Code (hereinafter referred to as 'IPC').

3. The narration of facts, as disclosed in the F.I.R, is that the petitioner along with 25 other students indulged in creating nuisance and act of vandalism at Supaul College of Engineering, affiliated to Aryabhata Knowledge University,



Patna and allegations were made of assaulting and damaging some furniture and ransacking of office of the said College. The dispute had arisen with regard to dissatisfaction amongst the students with regard to internal marks given to them, However, no serious damage or injury was caused to any one.

4. Learned counsel has submitted that offence under Sections 341, 323 and the other invoked provisions of IPC are not made out even on the facts of the case and so far as Section 379 of IPC is concerned, the same is purely ornamental in nature. By an earlier order dated 08.08.2025 passed by this Court, case diary had been called for and order of stay of further proceedings in the Court below with regard to the said F.I.R., had been passed. The present F.I.R is of the year 2019 and till date the investigation has not concluded either against the petitioner or other students. It is further submitted that petitioners were totally unaware of the F.I.R and only got to know about the present case by way of notice under Section 41A Cr.P.C. dated 11.08.2023 at stage of receiving character certificate by the said College. It is pointed out that the petitioner is faced with an extremely difficult and precarious situation as he is a Civil Engineer by profession and despite obtaining All India Rank 45 in Graduate Aptitude Test In



Engineering in the year 2025 (hereinafter referred to as 'GATE Examination'), is unable to apply for higher studies and secure a good job for himself.

5. Learned APP for the State also does not seriously oppose the present application for quashing as it appears from the pleadings that Authorities had entered into a compromise with the students and good relations were restored between them. However, the students including this petitioner were kept in dark with regard to the fact that an F.I.R. had already been lodged.

6. In normal circumstances, this Court would have issued notice to opposite party no.2 but it is also informed that the opposite no.2, who was, the then Principal of the said College, has now been transferred to some other place, which is not known to them. In such view of the matter, this Court does not find enough justification in issuing notice to opposite party no.2 which would lead to further indefinite pendency of the case and especially considering the fact that future prospects of the petitioner and other students are at stake.

7. Facts of the present case reveal that the petitioner, a 19 year old student of B.Tech, IInd year, along with others is being prosecuted for creating nuisance in the College



premises on account of dissatisfaction with internal marking. The incident would merely be an act of protest undertaken by a number of students in youthful exuberance which later stood resolved, but the strange and unfortunate part is that till date, the investigation of the case still continues and the F.I.R. glares on the face of the petitioner and others, causing impediment in the shaping up of their career and other future prospects.

8. Taking into consideration the entire facts and circumstances of the case, upon perusal of the F.I.R. as also the case diary which is available on record, this Court finds that the present F.I.R. has been lodged on the basis of very petty and trivial allegations and it appears that after lodging of the F.I.R., good relations were also restored between the Authority and the students. Allegations made in the F.I.R. also, per se, do not make out offence as alleged against them. Thus, the case of the petitioner squarely falls within the ambit of category 1 of the categories cases as envisaged in the case of *State of Haryana & Ors. Vs. Bhajan Lal & Ors.*, [1992 Supp (1) SCC335] and is, thus, fit to be quashed.

9. At this juncture, this Court may gainfully refer to the judgment of *Sunil Kumar vs. State of U.P. & Anr. reported in (2023) 8 SCC 481*, wherein the Hon'ble Supreme Court,



while holding that offences involving trivial disputes with no progress would amount to undue harassment, has held in paragraph nos. 5 and 6 as under:-

“5. Having regard to the submissions made by the learned counsel for the parties and to the documents on record particularly from the cross-complaints filed by the appellant and Respondent 2 against each other, it appears that the alleged incident had taken place on 11-9-2014 in the office of the appellant, and the charge-sheet was filed in the Court of Chief Judicial Magistrate, Fatehpur (U.P.) against the appellant in respect of the complaint filed by Respondent 2. The said case is pending without trial since 2015 in the said court.

6. Considering the nature of allegations against the appellant which are of very trivial nature and considering the fact that there is no progress made in the proceedings since the charge-sheet was filed against the appellant in the year 2015, the Court is of the opinion that continuing the proceedings would be a persecution and harassment to the appellant. As such a petty incident which took place in their office should have been resolved by the parties on that day itself, instead of stretching it so far.”

10. Further, the aforesaid principle has also been elucidated in the case of ***Robert Lalchungnunga Chongthu @ R.L. Chongthu vs. State of Bihar*** reported in ***2025 SCC OnLine SC 2511***, wherein the Hon’ble Apex Court emphasised that the right to speedy trial is an important facet of Article 21 of the Constitution of India and timely completion of investigation is inherent thereto. It has also been held that long drawn investigation not culminating into filing of the charge-sheet,



without adequate justification, would amount to an abuse of process of the Court. Paragraph no.21 of the said judgment is reproduced hereinbelow:

“21.....
(iii) While it is well acknowledged and recognised that the process of investigation has many moving parts and is therefore impractical to have strict timelines in place, at the same time, the discussion made in the earlier part of this judgement, clearly establishes that investigations cannot continue endlessly. The accused is not out of place to expect, after a certain point in time, certainty- about the charges against him, giving him ample time to preparing plead his defence. If investigation into a particular offence has continued for a period that appears to be unduly long, that too without adequate justification, such as in this case, the accused or the complainant both, shall be at liberty to approach the High Court under Section 528 BNSS/482 CrPC, seeking an update on the investigation or, if the doors of the High Court have been knocked by the accused, quashing. It is clarified that delay in completion of investigation will only function as one of the grounds, and the Court, if in its wisdom, decides to entertain this application, other grounds will also have to be considered.”

11. Further the very fact that since 2019-2024, the investigation did not conclude leading to any charge-sheet against the petitioner or others and the stay was granted only in the year 2025 vide order dated 28.08.2025. Even as per the stay



order, only further proceedings in the Court concerned was stayed and not the investigation. Thus, non-conclusion of investigation after huge and substantial lapse of time also leads to inference that allegations against the petitioner are not correct and a small dispute has been blown out of proportion. The investigation cannot be permitted to go on endlessly as the same would result in persecution in place of prosecution. This Court is also conscious of the fact that pendency of the F.I.R. is coming in way of the future engagement of service of the present petitioner who has bright future prospects.

12. Taking into consideration the comprehensive view of the entire facts and circumstances, this Court would proceed to quash the F.I.R of Karjain P.S. Case No.43 of 2019, dated 07.05.2019 as against the petitioner.

13. Accordingly, the present application stands allowed.

(Soni Shrivastava, J)

Harsh/-

AFR/NAFR	AFR
CAV DATE	N.A.
Uploading Date	27.07.2026
Transmission Date	27.07.2026

