

In The Court of Md Shuaib, Judicial Magistrate First Class, Benipatti.
Sub-Divisional Court, Benipatti, District- Madhubani.

Harlakhi P.S Case Number- 283/2024.
G.R. No. 781/2025, Reg. No. 781/2025.

State of Bihar through Informant Kiran Kumari.
versus
Nazreen Khatoon and OthersAccused.

Date	ORDER	Remarks
18.09.2025	Informant Kiran Kumari is in attendance. Record is put up for order. Mr. Kamlesh Chaturvedi, Learned S.D.P.O. on behalf of State of Bihar and Mr. Mahendra Narayan Roy, Learned Private Counsel for the Informant appeared for hearing on Final Form. Heard Learned S.D.P.O and Learned Private Counsel for the Informant in length, perused the case record. From perusal of case record it transpires that Informant has filed a Written Complaint vide Complaint No. 328/2024 before the then Learned A.C.J.M. Benipatti which has been sent for investigation under Section 156 (3) of Cr.P.C. and instant F.I.R has been registered for the offences punishable under Section 313, 341, 342, 376, 420, 506/34 of Indian Penal Code against (1) Nazreen Khatoon, (2) Arun Roy, (3) Gulab Khan. After Investigation, the Investigating Officer has submitted Final Form vide Final Form No. 175/2025, Dated- 01.06.2025 on 16.06.2025. As per the final form the alleged offence punishable under section 313, 341, 342, 376, 420, 506/34 of Indian Penal Code lacks evidence and thereby Final Form has been submitted. Mr. Mahendra Narayan Roy, Learned Private Counsel for Informant has submitted that accused are very influential persons of society and have managed the Police. Informant in F.I.R. and her Re-statement vide Para 02 of his case diary has supported the prosecution story. Prosecution witnesses vide Para 06, 07, 08 have supported the occurrence. Informant is a poor lady who was sexually harassed by accused, but Police in collusion with accused has submitted Final Form. Hence Final Form may kindly be discarded and cognizance of offence may kindly be taken against (1) Nazreen Khatoon, (2) Arun Roy, (3) Gulab Khan for the offences punishable under Section 313, 341, 342, 376, 420, 506/34 of Indian Penal Code. Mr. Kamlesh Chaturvedi, Learned S.D.P.O. appearing on behalf of State of Bihar did not raise any objection against the submission of Learned Private Counsel for the Informant. From perusal of F.I.R, Chargesheet, Case Diary, it transpires that according to F.I.R, Informant met with accused Gulab Khan at Cribs Hospital, Madhubani when she was serving there as a nurse. Gulab Khan used to send patient to Cribs Hospital, but Cribs Hospital has	

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Continue 18.09.2025	reported that Cribs Hospital has no concern with Gulab Khan. Report of Cribs Hospital has been attached with the case diary. The land lord of Informant, where she use to live on rent, has also denied the occurrence vide para 09 of the case diary. Prosecution witnesses vide Para 19 has also denied the occurrence. It has been mentioned in the case diary vide para 38 that Informant did not disclose the name Mosque/Madarsa where she embressed Islam. It has been alleged in the F.I.R. that her 04 month pregnancy was terminated by abortion. Prosecution has not produced ultrasonography report which shows any foetus whether dead or alive was present in Informant's womb at the time of alleged occurrence. Prosecution has also not produced <i>Dilation and Curettage</i> report which supports the fact that uterus of Informant has been cleaned after miscarriage. It has been mentioned vide para 39 of the case diary that despite repeated demand by Investigating Officer, Informant did not provide any Medical Prescription or Medical Report related to termination of her four months pregancy by abortion. Bed Head Ticket of Informant, issued by Sadar Hospital Madhubani mentions that Informant has refused Medical Examination. This Court has also asked the reason of refusal, then the Informant replied that Investigating Officer has told her that Medical Examination has no relevance with her case. Here it is quite relevant to mention that informant is a nurse by profession and has filed a petition on 11.03.2025 stating therein that her statement under Section 161 and 164 of Cr.P.C. is not being recorded but she has not made any complaint against alleged mislead by Investigating Officer. Medical Officer of Sadar Hospital have also reported that Informant has refused Medical Examination. Learned Private Counsel for the Informant has submitted that after a long time of occurrence, what would be the result of Medical Examination. This creates doubt regarding any mislead on part of Investigating Officer. It has been mentioned vide para 64 of case diary that informant did not provide any detail of date and address of Nepal where she was alleged to have been taken by the accused. Prosecution witnesses vide para 71, 72, 73 of case diary have stated that informant is in the habit of making false allegation and realising heavy amount. It is also surprising to mention that parents and brothers of Informant are not standing at her side according to para 80 of case diary. The material or document which had been reported by Investigating Officer that informant did not provide it in the course of investigation has also not been produced by informant before the Court. <i>Considering the above mentioned facts and circumstances of the case</i>	
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Continue 18.09.2025	<i>and also material available on record this court does not find even a single reason to proceed against accused. Accordingly Final Form submitted by the Investigating Officer is hereby Accepted and the case stands disposed off.</i> Since protest petition dated 16.12.2024 is also on record, hence Office Clerk is directed to get it registered as complaint case and complainant is at liberty to proceed against accused on the basis of protest-cum-complaint petition as per Law. Put up the case record on 13.10.2025 for recording Solemn Affirmation of complainant on oath. As such Office Clerk is directed to upload the order on C.I.S and update the C.I.S accordingly. (Md Shuaib) Judicial Magistrate First Class Benipatti, Sub-Divisional Court, Benipatti, District- Madhubani.	
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