

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (Cr.) No. 332 of 2025

1. Birendra Kumar Tiwari			
2. Rajshree Banerjee			Petitioner(s)
	Versus		
1. The State of Jharkhand			
2. Gomti Devi			Respondents
	With		
	W.P. (Cr.) No. 331 of 2025		

1. Hari Mohan Jha @ Hari Mohan			
2. Prabhakar Kumar			
3. Alok Chawla			Petitioner(s)
	Versus		
The State of Jharkhand			Respondents

CORAM : HON'BLE MR. JUSTICE AMBUJ NATH

For the Petitioner(s)	: Mr. Indrajit Sinha, Advocate Mr. Bibhash Sinha, Advocate Mr. Akhouri Awinash Kumar, Advocate Mr. Amitabh Prasad, Advocate
For the State	: Mr. Ashwini Bhushan, A.C to Sr. S.C.-II [W.P. (Cr.) No.332/2025] Mr. J. F. Toppo, G.A.-V Mr. Neil Abhijit Toppo, A.C to G.A.-V [W.P. (Cr.) No.331/2025]
For the Resp. No.2	: Mr. Ravi Kumar, Advocate

08/ Dated 18.09.2025

Heard the parties.

2. In W.P. (Cr.) No.332/2025, petitioner No. 1 Birendra Kumar Tiwari is the Director In-charge of Bokaro Steel Plant and petitioner No.2 Rajshree Banerjee is the Executive Director (P&A) of Bokaro Steel Plant. In W.P. (Cr.) No. 331 of 2025, petitioner No.1 Hari Mohan Jha @ Hari Mohan is the CGM, Personnel, petitioner No.2 Prabhakar Kumar is in IR Department being the DIG, CISF and petitioner No.3 Alok Chawla is CISF In-charge. They have filed these applications for quashing of F.I.R of B.S. City P.S. Case No.64/2025, registered under Sections 126(2), 127(2), 115(2), 117(2), 109, 103 & 161(2) of B.N.S., 2023.
3. The genesis of the occurrence is that displaced persons, whose lands were acquired for setting up Bokaro Steel Plant and Township, were agitating outside Bokaro Steel Plant Administrative office for seeking employment for the family members of the displaced persons.
4. During agitation, it is alleged that the petitioners, who are the officers

of Bokaro Steel Plant and CISF Personnels, directed the CISF force to lathi charge on agitators. On the basis of their directions, CISF started lathi charge, due to which, the son of the informant namely Prem Prasad got injured and succumbed to his injuries. It is further alleged that the petitioners and other officers of Bokaro Steel Plant had instigated the CISF to lathi charge on the agitators.

5. Mr. Indrajit Sinha, learned counsel for the petitioners submitted that the place outside administrative office of Bokaro Steel Plant has been notified as the Prohibited place under Clauses (c) & (d) of sub-Section (8) of Section 2 of the Official Secrets Act, 1923. It has also been notified as a protected place under Section 3 of Bihar Protected Places Act, 1979. It was further submitted that the agitators had sought permission from SDM, Bokaro for carrying out Dharna and agitation, but the same was denied by the S.D.M. Attention has been drawn towards Annexure-6 at page-43, which is the order of the S.D.M., Bokaro, in which, he has refused to grant permission to hold Dharna at the place of occurrence.

6. Learned counsel for the petitioners further submitted that the Hon'ble Supreme Court in Appeal (Civil) No.1774/2008 has held that the agitation by displaced persons demanding employment from the authorities of Bokaro Steel Plant, whose lands were acquired before the year 1966, should come to an end.

7. The Hon'ble Supreme Court in the aforesaid case has held as follows:

11. Be that as it may, it is now high time to put an end to the litigation. It is an admitted fact that the project was completed way back in 1966 and even after more than 40 years of the completion of the project, people whose land was acquired for the purposes of the project are still litigating for getting employment. This is not at all warranted. At the relevant time, the intention of the government was to rehabilitate the landless people whose lands had been acquired and to provide employment to one member of the displaced family so that they could maintain the family so displaced. It was not at all the intention of the government to distribute this kind of largesse on an indefinite basis. This is nothing but an abuse of the process of Court.

12. However, in order to put an end to the controversy at hand, we direct that the 970 persons whose names have been included in category (ii) as per order dated 7.4.1998 of the High Court will be considered for appointment, other things being equal. It is submitted by counsel for the appellant that in the advertisement dated 1.6.2007 for 300 general vacancies. It has been mentioned that preference will be given to those displaced persons whose lands have been acquired. The relevant portion of the advertisement reads as under:-

“Preference will be given to local displaced persons of Bokaro as per Company’s policy.”

8. Reliance has further been placed upon the decision of Hon'ble Supreme Court, rendered in (2018) 12 SCC 391 in the case of **Lovely Salhotra and Another Vs. State (NCT of Delhi) and Another**, in which, the Hon'ble Supreme Court held that there is no bar in quashing of F.I.R with respect to some of accused persons.

9. Reliance has also been placed upon another decision rendered by this Court on similar issue passed in Cr.M.P. No.2312 of 2020.

10. Learned counsel appearing for the petitioners has also relied upon the decision of the Hon'ble Supreme Court reported in 1992 Supp. (1) SCC 335, in which, the Hon'ble Supreme Court has laid down some of the conditions required for quashing of the F.I.R at paragraph-102 of this Judgment, which reads as under:

102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provision of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and / or where there is a specific provision in the Code or the concerned Act,

providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with malafide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.

11. Finally, it was submitted that the CISF personnel were acting to protect the property of Bokaro Steel Plant and also to protect the life of its officers. CISF is not under the control of the management of Bokaro Steel Plant and cannot take orders from them.

12. Mr. Ashwini Bhushan, learned A.C. to Sr. S.C.-II has drawn attention of this Court towards paragraph-13 of the counter affidavit, in which, it has been mentioned that during the course of investigation, the statements of the witnesses have been recorded under Section 180 of BNSS. Further, he has pointed out towards paragraph-13 of the counter affidavit where he has stated that one witness has supported the allegation against the petitioners.

13. On specific query whether there is any witness to the fact that the petitioners had directed the CISF Personnel to lathi charge on the agitators, in reply, he has stated that he will file the statement of the witnesses as recorded during investigation by way of filing a supplementary counter affidavit.

14. However, Mr. Ashwini Bhushan, learned A.C. to Sr. S.C.-II prayed that he will file supplementary counter affidavit within two weeks.

15. In view of the submission made by the learned counsel for the State, list this case on 08.10.2025.

16. Till then, vide order dated 09.09.2025, the arrest of the petitioners in connection with B. S. City P.S. Case No.64/2025 shall remain stayed.

(Ambuj Nath, J.)

18th September, 2025
BS/-