

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.76 of 2015

Arising Out of PS.Case No. -null Year- null Thana -null District- MADHUBANI

1. Chandrakala Devi @ Chandra Lata Devi, Wife of Manoj Kumar Mahatman

2. Monoj Kumar Mahatman, Son of Shri Chandeshwar Mahatman

Both are Residents of Village - Chaturbhuj Piprahi, Police Station- Laukaha,
District -Madhubani.

.... Petitioners

Versus

1. The State of Bihar through the Superintendent of Police, Madhubani.

2. Bishnu Chandra Prasad Son of Lal Jee Prasad, Resident of Village - Maharaja
Hata, Police Station - Ara, District - Bhojpur, presently posted and working as
Block Education Officer, Khutauna, Police Station - Laukaha, District -Madhubani.

.... Respondents

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Prasad, Advocate

For the Respondent/s : Mr. Sanjeev Kumar, AC to SC-1

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 01-12-2015

Heard learned counsel for the petitioners and learned
counsel for the State.

By way of the present writ petition filed under Articles
226 & 227 of the Constitution of India the petitioners seek quashing
of the first information report of Laukaha P.S. Case No.226 of 2014
dated 09.11.2014 registered under Sections 409, 420, 467, 468, 471,
120-B and 506 of the Indian Penal Code.



The FIR has been filed at the instance of one Bishnu Chandra Prasad, the Block Education Officer, Khutauna. In his written report submitted to the Officer-in-charge, Laukaha Police Station, on 05.11.2014, he has alleged that the petitioner No. 1 Chandra Kala Devi @ Chandra Lata Devi, wife of petitioner No. 2 Manoj Kumar Mahatman, has been illegally appointed as a teacher on 13th August, 2010 in New Primary School Laljee Sah Tole Chaturbhuj Piprahi. The appointment of petitioner No. 1 was made when she was a member of Panchayat Samiti of the said panchayat in collusion with the Panchayat Secretary. It has also been alleged that petitioner No. 2 Manoj Kumar Mahatman, who is husband of petitioner No. 1 Chandra Kala Devi @ Chandra Lata Devi, has threatened the informant of the case of dire consequences, if regular payment of salary is not made to petitioner No. 1.

Learned counsel for the petitioners has submitted that the allegations made in the FIR are absolutely false. The present case has been instituted in retaliation of Complaint Case no. No. 524 of 2014 filed by petitioner No. 1 against the informant of the present case. The appointment of petitioner No. 1 on the post of teacher has been upheld by the District Teachers Appointment Tribunal, Madhubani.

On the other hand, learned counsel for the State has

submitted that it is a gross case in which by playing fraud, the petitioner No. 1 has obtained her appointment and filed false affidavit in this regard. The petitioner No. 2 is also alleged to have threatened the informant of the case of dire consequences and kill him in case payment of salary of petitioner No. 1 is stopped by him. He has contended that the matter is still under investigation and the allegations made in the FIR do attract the ingredients of a cognizable offence.

Regard being had to the allegations made in the first information report, it cannot be said that no cognizable offence is made out in the present case.

In that view of the matter, the FIR, in question, cannot be quashed as to hold investigation in a cognizable offence is the statutory right of the police.

Accordingly, the application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

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