

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.110 of 2014

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Mayanand S/o Shri Indra Kumar Prasad, Resident of Village- Ataunatur, Ward No. 13, Post- Lalganj, P.S- Lalganj, District- Vaishali.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Government of Bihar, Patna.
2. The Commissioner, MANREGA, Rural Development Department, Bihar, Patna
3. The District Magistrate, Vaishali.
4. The Deputy Development Commissioner cum Chairman, District Rural Development Authority, Vaishali.
5. The Director, National Employment Programme, MANREGA, Vaishali.
6. The Programme Officer, Bhagwanpur Block, District- Vaishali.
7. The Superintendent of Police, Vaishali.
8. The Officer Incharge, Bhagwanpur, P.S. District- Vaishali.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Satyabir Bharti, Advocate

For the Respondent/s : Mr. Suman Kumar Jha, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 16-01-2015

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

In the present application filed under Articles 226 and
227 of the Constitution of India, a prayer has been made to quash

the First Information Report of Bhagwanpur P.S. Case No. 128 of 2013 dated 14th June, 2013 registered for the offences punishable under Sections 353, 408 and 409 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that it is a pure and simple case of civil dispute for which, if any amount is to be realized, a proper suit has to be instituted before a competent Civil Court. He place reliance on certain documents brought on record in order to prove innocence of the petitioner.

Perused the FIR and the inquiry report of the Senior Deputy Collector, Vaishali referred to in the allegation made in the written report. The allegations made in the FIR do constitute a cognizable offence. In that view of the matter, the FIR cannot be quashed at the threshold. It is well settled that at the stage of investigation the defence of the accused cannot be considered for the purposes of quashing of the first information report.

The application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J.)

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