

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44044 of 2012

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Ayodhya Pandey @ Ram Ayodhya Pandey S/O Harinarayan Pandey,
resident of village- Rampurva Patkhali, P.S. Yogapatti, District- West
Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saroj Kumar Sharma

For the Opposite Party/s : Mr. Hirday Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 07-05-2015

Heard the parties.

The petitioner has filed the present application for quashing the F.I.R. of Jogapatti P.S. Case No. 125 of 2011 dated 10.05.2011 registered for the offences under Sections 420, 120B of the Indian Penal Code as also under Section 27 of the Drugs and Cosmetics Act, 1940.

Though the criminal prosecution was launched as far back as on 10.05.2011 by lodging the FIR vide Annexure-1, but despite indulgence granted by this Court learned counsel appearing on behalf of the petitioner has not been able to state on affidavit that till date the investigation is still pending and charge sheet has not been submitted in the aforesaid criminal case against the petitioner. The only point raised by the learned counsel for the petitioner is that for the offence under Section 27 of the Drugs and Cosmetics Act, 1940, the F.I.R. vide Annexure-1 could not have been registered by the police, and, therefore, whole F.I.R. vide Annexure-1 and consequential prosecution of the petitioner should be quashed.

I am afraid, the submissions made by the learned

counsel appearing on behalf of the petitioner are completely misconceived and cannot be countenanced. The F.I.R. vide Annexure-1 has not been lodged only for offence under section 27 of the Drugs and Cosmetics Act, 1940, rather it has been lodged for offences under Sections 420 and 120B of the Indian Penal Code as well. That being the position, the prayer made on behalf of the petitioner in the present case for quashing the whole F.I.R. is completely misconceived and is fit to be rejected.

For the reasons recorded above, the application has to fail and is, accordingly, dismissed.

(Birendra Prasad Verma, J)

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