

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.74 of 2016

Arising Out of PS.Case No. -714 Year- 2015 Thana –Khazanchi Hatt District- PURNIA

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Razia Begum, W/o Md. Mokkaam, aged about 52 years Resident of Khazanchi Hatt, P.S K.Hatt, District Purnea

.... Petitioner/s

Versus

1. The State of Bihar Through Director General of Police Bihar, Patna
2. The Inspector General Of Police, Patna.
3. The Deputy Inspector General of Police (D.I.G), Koshi, Range.
4. The Superintendent of Police, Distt Purnea.
5. The Deputy Superintendent of Police, Distt Purnea.
6. The State House Officer, Ps. Khazanchi Hatt, Distt Purnea.
7. Shyam Kumar Mehta, Sub Inspector , P.S. Khanzanchi Hatt, Cum I.O in K.Hatt, P.s Case no. 714/2015, Distt Purnea.
8. Md. Abdul Wahab S/o Md. Nizamuddin Resident of Village-Hazipur, P.s Katihar(Mufassil), Distt Katihar.

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Raj Kumar Rajesh, Advocate.
For the State : Mr. Madhukant Mishra, A.C. to S.C. 31
For the Respondent no. 8 : Mr. S. D. Yadav, Advoate.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
ORAL JUDGMENT

Date: 18-05-2016

The petitioner has prayed for quashing of the first information report bearing Khazanchi Hatt P.S. Case No. 714 of 2015 dated 23.11.2015 for the offences under sections 406, 409 and 420 of the Indian Penal Code.

2. The petitioner alleges that she has been made

accused in the present case out of malice, previous enmity and with ulterior motive by misusing the power of the court.

3. A reading of the F.I.R., Annexure-1 shows that the petitioner is alleged to be an office bearer of the Company named as Sunshine Global Agro Private Limited. It is asserted that the accused persons named in the first information report including the present petitioner stated that the Company is a biggest Tea garden company and induced the complainant to deposit money under the recurring deposit, fixed deposit and monthly income plan and that the complainant under the influence of the Office bearers of the Company deposited money with the Company.

4. It is argued by the learned counsel for the petitioner that the F.I.R. be quashed on the ground that she has no role in the Company and she has been implicated only because she is wife of one of the Directors of the Company.

5. I have heard learned counsel for the petitioner and find no merit in the present writ application. In the complaint leading to F.I.R there is specific allegation of inducement to part away with the money by the petitioner. Such allegation, prima facie, discloses a criminal offence and, therefore, lodging of the F.I.R., cannot be said to be illegal requiring interference by this Court. The primary test of quashing the first information report is that on a bare reading of the complaint no such offence should be made out. On a reading of the

F.I.R. in question, no such inference can be drawn by this Court.

6. In view of the above, this writ petition is dismissed as no ground is made out for quashing of the F.I.R. in the present proceedings.

(Hemant Gupta, J)

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