

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53187 of 2013

Arising Out of PS.Case No. -144 Year- 2013 Thana -ITADHI District- BUXAR

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1. Madhu Kumari D/O Late Ramkrit Lal Resident Of Village- Vishnupur, P.S.- Kudra, District- Rohtas
 2. Aditya Ranjan S/O Late Arun Kumar Lal Resident Of Village- Gola Bazar, Buxar, P.S.- Buxar (Town), District- Buxar
 3. Anand S/O Late Parmanand Rai Resident Of Village- Sohani Patti, P.S.- Buxar (Muffasil), District- Buxar
 4. Binod Kumar Sinha S/O Late Harishchandra Lal Resident Of Civil Line Buxar, P.S.- Buxar (Town), District- Buxar
 5. Atul Kumar Singh S/O Late Ramlal Singh Resident Of Village- Mamuriya, P.S.- Buxar (Muffasil), District- Buxar

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rana Ishwar Chandra

For the Opposite Party/s : Mrs. Pushpa Sinha(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 18-04-2016 Heard learned counsel for the parties.

This application has been filed seeking quashing of the First Information Report of Itarhi P.S. Case No. 144 of 2013 registered on 16.11.2013, disclosing offences punishable under Sections 406, 420, 467, 468 and 471 of the Indian Penal Code.

The sole ground which has been taken for quashing of the First Information Report is that on the same set of facts, way back in the year 2005, an FIR was lodged in Patna Kotwali P.S. Case No. 06 of 2005 registered on 04.01.2005 for the offences punishable under Sections 420, 467, 468, 471 read with Section 34

of the Indian Penal Code.

The First Information Report of Patna Kotwali P.S. Case No. 06 of 2005 has been brought on record by way of Annexure-6 of the supplementary affidavit filed on behalf of the petitioners. From the said First Information Report, it appears that it was instituted with an allegation that the appointment letter issued in their favour by memo No. 1549 dated 08.12.2000 on the basis of which they claimed to have appointed as Assistant Teachers in Government Basic School, Unwas, Buxar was forged document. In the present First Information Report also, it is alleged that petitioner Nos. 2 to 6 and petitioner No.1 secured appointment as Assistant Teachers in Government Basic School, Unwas, Buxar on the basis of forged appointment letters. As regards petitioner no.1, it has been stated in paragraph 9 of the application that an FIR of Kotwali P.S. Case No. 527 of 1991 was lodged with an allegation that her appointment letter was forged. It has been asserted that petitioner No.1 stood acquitted of the charge in the trial, arising out of said Kotwali P.S. Case No. 527 of 1991. I find substance in the submissions advanced on behalf of the petitioners that there is no difference between the allegation made in Patna Kotwali P.S. Case No. 06 of 2005 and the present FIR, i.e. Itarhi P.S. Case No. 144 of 2013 since in both the cases it has been alleged that the

petitioner Nos. 2 to 5 claimed to have been appointed as Assistant Teachers on the basis of the same forged appointment letters. The stand that in a case arising out of the same offence, the petitioner no.1 has already been acquitted has not been controverted by the State.

It is well settled that second FIR for the same cause of action, cannot be instituted.

Needless to say that the police are within their jurisdiction to proceed on the basis of information collected during the pendency of the present FIR in course of investigation, invoking Section 173 (8) of the Code of Criminal Procedure, 1973.

The FIR of Itarhi P.S. Case No. 144 of 2013 is accordingly quashed, invoking jurisdiction under Section 482 of the Code of Criminal Procedure.

This application is, accordingly, allowed.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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