

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54167 of 2013

Arising Out of PS.Case No. -465 Year- 2013 Thana -SIWAN CITY District- SIWAN

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1. Irfan Ahmad S/O Late Sultan Ahmad Resident Of Village- Yogapur Kothi, P.S- Jamo Bazar, District- Siwan, At Present Resident Of Mohalla- Hospital Road, Siwan

.... Petitioner/s

Versus

1. The State Of Bihar
2. Rajeev Ranjan Prakash S/O Sri Ram Chandra Ram Executive Officer, Nagar Parishad Siwan, P.S- Siwan Town, District- Siwan.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh
For the Opposite Party/s : Mr. Yogendra Kr. Singh (App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 22-04-2016 Heard learned counsel for the parties.

The present application under Section 482 of the Code of Criminal Procedure, 1973 has been filed seeking quashing of the First Information Report of Siwan Town P.S. case No. 465 of 2013 registered for the offences punishable under Sections 420/406 of the Indian Penal Code.

The said First Information Report has been registered on the basis of written report of the Executive Officer, Nagar Parishad, Siwan.

The plea on which the petitioner seeks quashing of the FIR is that even if the allegations contained therein are taken to be

correct on face value, the same do not constitute any cognizable offence.

It is alleged in the First Information Report that the accused persons including the present petitioner did not pay holding tax to the Nagar Parishad despite notices being issued in this regard and steps taken for that purpose. It is alleged in the First Information Report that non-payment of holding tax amounts to misappropriation of the public money. Beyond that, there is no allegation in the First Information Report.

I find substance in the submissions made on behalf of the petitioner that the allegations contained in the First Information Report do not constitute any cognizable offence. Institution of the said First Information Report is apparently an abuse of the process of law and the Court.

The First Information Report and the entire proceedings arising out of the same deserve to be quashed in the interest of justice. Accordingly, the First Information Report of Siwan Town P.S. case No. 464 of 2013 and the entire proceedings arising out of the same stand quashed.

This application is, accordingly, allowed.

(Chakradhari Sharan Singh, J)

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