

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52616 of 2013

Arising Out of PS.Case No. -69 Year- 2013 Thana -GOPALPUR District- BHAGALPUR

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1. Akouri Gopal Son Of Late Akhouri Bansidhar, Managing Director, M/S Ramanandi Automobile Private Ltd, Gaya N.H. 2 G.T. Road, Dobhi, P.S. Dobhi, District - Gaya

.... Petitioner/s

Versus

1. The State Of Bihar
2. Niranjan Mandal Son Of Gunsagar Mandal Resident Of Badi Makandpur, P.O. Amiya Bazar, P.S. Gopalpur, District - Bhagalpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Veer

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 11-04-2016 Heard learned counsel for the petitioner, learned counsel for Opposite party No.2 as well as learned Additional Public Prosecutor, appearing on behalf of the State.

This application has been filed seeking quashing of First Information Report of Gopalpur P.S. Case No. 69/2013 registered for the offences punishable under Sections 420,406,467,468,471,120B of the Indian Penal Code invoking Section 483 of the Code of Criminal Procedure, 1973.

It is alleged that the petitioner is Managing Director of M/s Ramanandi Automobile Private Ltd, Gaya which deals with sale of Tata Hiwa truck manufactured by Tata Company. The Informant is said to have purchased HIWA truck from

the said Ramanandi Automobile Private Ltd and had given it to Ramanandi Automobiles Pvt. Limited for servicing. The truck was thereafter, not returned to the informant.

Learned counsel for the petitioner seeks quashing of the First Information Report on the ground that the truck with the chassis number as mentioned in the *fardbeyan* was never sold by the petitioner's agency, to the informant.

The allegations made in the First Information Report constitute cognizable offence and, therefore, on the basis of the contention that the said vehicle was never sold to the petitioner, the First Information Report itself cannot be quashed.

It goes without saying that the petitioner will have such liberty to convince the Investigating Agency in this regard.

This application is, accordingly, disposed of with a liberty to raise the plea as has been raised in the present application at the time of framing of charge or at any subsequent stage.

It is made clear that if the petitioner supplies any document to the Investigating Agency in support of his plea as taken in the present application, the Investigating Officer shall be obliged to take into account such aspects.

ArunKumar/-

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(Chakradhari Sharan Singh, J)