

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32214 of 2016

Arising Out of PS.Case No. -260 Year- 2016 Thana -SAHAYAK NAGAR District- KATIHAR

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1. Raj Kumari @ Dr. Raj Kumari, W/O Sri Narayan Prasad, District Programme Officer (Saksharta), District- Katihar
 2. Arjun Ram, S/O late Baldeo Ram, Biswas retired, District Programme Officer (Saksharta), District- Katihar.
 3. Tukai Soren, S/O Shyam Soren, the then Office Clerk, District Programme Officer (Saksharta), Katihar at present clerk in Education Officer, Kishanganj, District- Kishanganj.
 4. Ranjit Kumar Rajak, S/O Ganesh Rajak, Office Assistant, District Programme Officer (Saksharta), Katihar, P.S. and District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar
2. Mohamad Jamil Akhatar, S/O Mohamad Munif, resident of village Narayanpur, P.S. Manihari, District- Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jagdish Prasad Bhagat

For the Opposite Party/s : Mr. Sri Chaubey Jawahar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 09-09-2016

The present application has been filed for quashing the First Information Report of Katihar Nagar Sahayak P.S. Case No. 260 of 2016 registered under Sections 406, 323, 407, 408, 409, 420 and 120B of the Indian Penal Code.

The prosecution case is that the informant/complainant applied for being appointed on the post of untrained Panchayat teacher (Urdu) in the general category in Gram Panchayat Raj Dwashay, Prakhand Dandkhora, District – Katihar in the year, 2008. The informant's name appeared at serial

no. 343 having percentage of marks 82.81% but on the basis of forged training certificate co-accused Abdus Salam having percentage of marks 71.41% was appointed. It is alleged against the petitioners being the District Programme Officer and the Clerk/Assistant in the District Programme Office have been certifying the forged training certificate of Abdus Salam.

It is submitted by learned counsel for the petitioners that for the alleged appointment made in 2008 the FIR was lodged in 2016. The petitioners were not posted at the relevant place at relevant time and the thrust of accusation is against Panchayat Mukhiya and Panchayat Secretary.

In view of this Court, the First Information Report suggesting commission of cognizable offence can be quashed if the accusations, even accepted under their face value, do not prima facie constitute any offences against the accused justifying investigation by the Police Officer under Section 156(1) of the Cr.P.C. or the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which, no prudent person can ever reach to a conclusion, that there is sufficient ground for proceeding against the accused or there is express legal bar under the Cr.P.C. or under any law for institution or continuation of such proceeding or where the criminal

prosecution has been malafidely or maliciously instituted with an ulterior motive for wreaking vengeance on the accused due to private or personal grudge.

In view of this Court, the present case does not come within the abovementioned parameters which permit the Court to quash the prosecution of a cognizable offence.

Accordingly, this application is disposed of with liberty to the petitioners to raise all the contentions on submission of final report under Section 173(2) of the Code of Criminal Procedure.

(Dinesh Kumar Singh, J)

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