

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14342 of 2016

Arising Out of PS.Case No. -37 Year- 2015 Thana -SC/ST District- JAMUI

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1. Pramila Devi Wife of Sri Naresh Mahto
 2. Naresh Mahto Son of Sri Puna Mahto Both Resident of Village- Aliganj, PS Chandradeep, District Jamui , at Present Petitioner no. 2 Posted as Assistant Teacher in Middle School, Aliganj, PS Chandradeep , District Jamui..

.... Petitioner/s

Versus

1. The State of Bihar.
2. Jagannath Rajak Ex Incharge Headmaster Middle School Aliganj Resident of Village & Po Islam Nagar PS Cahndradeep District Jamui.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prakash Mahto

For the Opposite Party/s : Mr. Parmeshwar Mehta(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-07-2016

The present application has been filed for quashing of the FIR of Jamui SC/ST P.S. Case No. 37 of 2015 registered for the offences punishable under Sections 42, 120B, 466, 468, 471, 406 and 506/34 of the IPC and 3(I)(X) of the SC/ST (Prevention of Atrocities) Act.

It is alleged by the informant being the In-Charge Headmaster at Middle School, Aliganj that petitioner no.1 being the Secretary of the School Education Committee and petitioner no.2 being the teacher of the school misappropriated the funds of the school.

It is submitted by learned counsel for the petitioners

that in fact the misappropriation of funds of the school was made by the informant himself. Moreover, during enquiry conducted on the complaint of the petitioners, it was found that the informant himself misappropriated the funds of the school.

In view of this Court, the prosecution of a cognizable offence can only be quashed if the accusation does not constitute prima facie offence or the prosecution is barred under certain law. Moreover, there is nothing on record to suggest the present stage of the investigation. Hence, this Court is not inclined to interfere at this stage.

Accordingly, the application is disposed of with liberty to the petitioner to raise all the contention on submission of final report under Section 173(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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