

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.96 of 2016

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Surendra Yadav, Son of Late Munshwar Yadav, Resident of Village -
Dhanauli, P.S. - Baheri, District - Darbhanga.

.... Petitioner

Versus

1. The State of Bihar Through The Director General of Police, Bihar, Patna
2. The Inspector General of Police, Darbhanga Range, Darbhanga.
3. The Deputy Inspector General of Police, Darbhanga Range, Darbhanga.
4. The Superintendent of Police, Darbhanga.
5. The Sub - Divisional Police Officer, Benipur, Darbhanga.
6. The Station House Officer, Baheri Police Station, District - Darbhanga.

.... Respondents

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Appearance :

For the Petitioner : Mr. Dharmendra Jha, Advocate

For the Respondents : Mr. Kumar Priyaranjan, SC 23

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
ORAL ORDER

2 23-02-2016 Heard learned counsel for the petitioner at length.

The petitioner has sought for quashing of FIR of Baheri PS Case No. 04 of 2016 registered under Sections 420, 384 and 506 of the Indian Penal Code. The allegation against the petitioner is forcible deduction from the pensioners' pension and to compel them to pay Rs.200 - 500/- before release of their pension. In the complaint, some of the complainants have attached receipts of payment of Rs.200/- on account of donation for purported construction of a temple.

The petitioner is seeking quashing of the FIR on the ground that the beneficiaries of Old Age Pension Scheme were not present during investigation. Therefore, prosecution

of the petitioner is unjustified. The petitioner also relies upon a representation made by 91 pensioners to the effect that they have paid donation to the temple out of their free will and that there was no force applied by the petitioner before release of their pension.

The matter is still under investigation. As to whether the petitioner has forcibly compelled the pensioners to part away with their money before release of pension or not is the subject matter of the investigation. The reading of the FIR does not show that no case is made out against the petitioner. In fact, serious allegations are levelled against the petitioner of forcibly depriving the old persons of money before release of old age pension.

In the above view of the matter, I do not find any ground for quashing of the FIR. The writ petition is accordingly dismissed.

(Hemant Gupta, J)

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