

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.176 of 2016

Arising Out of PS.Case No. -197 Year- 2011 Thana -Mokama District- PATNA

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1. Umesh Pd. Gupta, S/o Late Deo Nath Pd. Gupta
 2. Maya Kumari @ Maya Gupta, W/o Sri Umesh Pd. Gupta, both are resident of Maya Nilay Idgah Road, P.S.- Alamganj, Dist- Patna.

.... Petitioners

Versus

1. The State of Bihar represented through The Chief Secretary, Govt of Bihar, Old Secretariat Building, Patna.
2. Sipra Verma, W/o Sri Nimish Manan, Resident of Sita Saran Lane near Gorla Math Temple, P.S.- Jakkanpur, Mithapur, Dist- Patna- 800001, A/P Child Development Project Officer, Mokama.

.... Respondents

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Appearance :

For the Petitioners : Mr. Tilak Sao, Advocate.

For the Respondents : Mr. Subodh Kumar, A.C. to G.P. 14.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

ORAL JUDGMENT

Date: 09-03-2016

Heard learned counsel for the petitioners and the respondents.

2. The petitioners have sought for quashing of the First Information Report of Mokama P.S. Case No. 197 of 2011 for the offences under Sections 420 and 120B of the Indian Penal Code, pending in the court of Sri Ashutosh Kumar, Judicial Magistrate, 1st Class, Barh, Patna.

3. The allegation against the petitioners are that they used to collect Rs. 110/- from each candidate against the application of U.T.I. to be filled up under the Chief Minister Kanya Suraksha Yojana for the persons living below the poverty line, though applications were required to be filled up without any fee for the girls below three years.

4. A counter affidavit has been filed on behalf of the respondents pointing out that villagers of Barahpur village made a complaint regarding taking of Rs.

110/- to 115/- from each candidate under the “Chief Minister Kanya Suraksha Yojna” who are living below the poverty line under the U.T.I. Scheme. It was found that Urmila Devi claims herself to be authorized by a Non-governmental Organization, namely, “Kalyan Seva Sansthan” and collected money on the strength of Identity Card issued to her by the said N.G.O. It was found that N.G.O. is not authorized to collect money. In fact it is a chit-fund organization. It is submitted by the learned counsel for the respondent-State that the matter is still under investigation.

5. There are serious allegations levelled against the petitioners in respect of collection of the money under the banner of an N.G.O. who was a chit-fund organization from the citizens when such collection was not authorized. Therefore, I do not find that any case is made out for quashing of the F.I.R. at the threshold.

6. The writ application is, thus, dismissed.

(Hemant Gupta, J)

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