

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Writ Jurisdiction Case No.172 of 2016**

Arising out of PS. Case No. -82 Year- 2015 Thana -Brahmpur District- BUXAR

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Md. Ashfaque Hussain @ Ashfaque Hussain, S/o Late Md. Kamaluddin Khan,  
Resident of village- Brahampur, P.S.- Brahampur, District- Buxar, Bihar

.... .... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Home, Government of Bihar, Old Secretariat, Patna
2. The Principal Secretary, Home, Government of Bihar, Old Secretariat, Patna
3. The Director General of Police, Bihar, Old Secretariat, Patna
4. The Superintendent of Police, Buxar
5. The Officer In Charge, Brahampur Police Station, Brahampur, Buxar, Bihar
6. The Block Development Officer, Brahampur, Buxar, Bihar

.... .... Respondents

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**Appearance :**

For the Petitioner : Mr. Tulika Singh, Advocate.  
Mr. Surendra Kumar Singh, Advocate.  
Mr. Sudha Chandra, Advocate.

For the Respondents : Mr. Dhurendra Kumar, A.C. to G.P. 20

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**CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA**

**ORAL JUDGMENT**

**Date: 09-03-2016**

Heard learned counsel for the petitioner and the State.

2. The present is a petition for quashing of First Information Report of Brahampur P.S. Case No. 82 of 2015 dated 08<sup>th</sup> of April, 2015 for the offences under Sections 467, 471, 420 read with Section 34 of the Indian Penal Code.

3. The said First Information Report was lodged on the basis of a complaint filed by Block Development Officer, Brahmpur to the effect that many illegalities were found in the year 2012 at the time of preparation of merit-list of Block Teachers Appointment and on the basis of the said illegalities the District Magistrate, Buxar ordered for institution of First Information Report against Sri Birendra Kumar Prabhakar, the then Block Development Officer, Smt. Kamala Gupta, the then Block

Education Officer, Sri Ashfaque Hussain, the present petitioner, the then Assistant Teacher in Middle School Yogia, Sri Raj Kumar Srivastava, Block Teacher, Upgraded Middle School, Pandeypur and Sri Manoj Kumar Thakur, Block Teacher, Middle School, Chapra. On the basis of such complaint, an F.I.R. was registered, as mentioned above, which is under investigation.

4. The stand of the petitioner is that departmental inquiry was conducted in which no irregularity has been found in the preparation of the merit-list.

5. I do not find that such argument is good enough for quashing of the First Information Report. An F.I.R. can be quashed if on the reading of the entire complaint no offence is disclosed. The reading of the complaint does not show that an inference is possible that no offence is disclosed against the petitioner.

6. Since the matter is under investigation in respect of preparation of the merit-list of the Block Teachers, therefore, I do not find any ground for quashing of the F.I.R. at the threshold. This writ application is, thus, dismissed.

**(Hemant Gupta, J)**

P.K.P.  
N.A.F.R.

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