

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48133 of 2013

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1. Dinesh Kumar Tiwary S/O Late Baikunth Tiwary Resident Of Village-
Debriha, Post + P.S.- Kochas, District- Rohtas (Sasaram)

.... Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary Old Secretariat, Patna
2. The Home Secretary Government Of Bihar, Old Secretariat, Patna
3. The District Magistrate Siwan, Bihar
4. The Sub- Divisional Officer Maharajganj, District- Siwan, Bihar
5. The Executive Engineer Nrep, Siwan
6. Shri Shyam Kant Mehra Sub- Divisional Accounts Officer- Cum-
Executive Officer, Nagar Panchayat, Maharajganj, Siwan.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Shukla

For the Opposite Party/s : Mr. Shailendra Kr. Jha, AC to AAG 13

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

5 01-04-2016 Heard learned Counsel for the petitioner and
learned Counsel appearing on behalf of the State of Bihar.

This application has been filed seeking quashing
of the First Information Report of Maharajganj Police
Station Case No. 07 of 2007, disclosing commission of
offences punishable under Sections 409, 420, 467 and
471/34 of the Indian Penal Code.

I am not inclined to entertain this application for
two reasons. Firstly, it cannot be said that on the basis of
the allegation made in the First Information Report, no
cognizable offence is made out. Secondly, the petitioner
had earlier approached this Court, seeking quashing of the

same First Information Report, vide Criminal Misc. No. 30559 of 2009, which was permitted to be withdrawn by an order, dated 25.04.2012, with a liberty to avail other remedy.

Learned Counsel for the petitioner contends that the petitioner had, thereafter, filed an application, under Article 226/227 of the Constitution of India, which had given rise to Cr.W.J.C. No. 980 of 2013. However, the said writ application was allowed to be converted into the application under Section 482 of the Code of Criminal Procedure, which gave rise to the present Criminal Misc. No. 48133 of 2013.

In such circumstance, I do not find any reason to quash the First Information Report. This application accordingly stands dismissed.

It is made clear that the petitioner shall have the liberty to raise such plea, as has been raised in the present application, at the stage of framing of charge or at the subsequent stage of trial, as may be permissible to him.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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