IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 50799 of 2013
Arising out of P.S. Case No. - 227 Year - 2013 Thana - SIMRI District - BUXAR

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Arvind Kumar, S/O - Late Bishudeo Prasad Singh, Resident of Narhatt, P.S. - Bhagwanpur, District - Patna

.... Petitioner

Versus

1. The State of Bihar
2. Rajendra Kumar, S/O - Late Parasnath Prasad, Resident of Village - Faridpur, P.S. - Sakurabad, District - Jehanabad, presently posted and working as Block Development Officer at Simri, P.S. - Simri, District - Buxar

.... Opposite Parties

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Appearance :
For the Petitioner : Mr. Prashant Ranjan, Advocate
For the Opposite Parties : Mr. Chandan Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT
Date: 25-01-2017

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State as well as learned counsel for the informant.

2. This application, under Section 482 Cr.P.C., is for quashing the First Information Report of Simri Police Station Case No. 227 of 2013 registered on 17.11.2013 under Section 7 of the Essential Commodities Act.

3. According to the First Information Report, a truck was intercepted carrying 500 bags of wheat of Food Corporation of India. The truck was bearing Registration No. WB41C-6084. The driver of the truck, namely, Sanoj Yadav produced Challan No. 1626242. The Challan revealed that the wheat was dispatched on 16.11.2013 from Indian Food Corporation Godown, Buxar for State Food Corporation

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Godown, Piro in the district of Bhojpur. The driver disclosed that in the night, he got information that his sister is seriously ill, therefore, he moved towards his village on the same truck. The informant suspected that the wheat was being carried for black marketing.

4. Submission of the petitioner is that the petitioner was Assistant Godown Manager at Piro and the suspicion against the petitioner is baseless because the material had not reached his godown nor the FIR discloses that the route of the truck was diverted on the instruction of the petitioner. Driver has assigned some reason for diversion which may or may not be believed.

5. On bare perusal of the FIR, there is no allegation/material against the petitioner. Hence, criminal prosecution of the petitioner is abuse of the process of the court. Accordingly, the same is quashed and this application stands allowed.

(Birendra Kumar, J)

Kundan

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CAV DATE	
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