

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24380 of 2014

Arising Out of PS.Case No. -138 Year- 2014 Thana -SUPAUL District- SUPAUL

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Ashok Kumar Singh S/o Late Rajendra Prasad Singh Resident of Mohalla Chakla Nirmali (Ward No. 7), Town + P.S. + District Supaul.

.... Petitioner

Versus

1. The State of Bihar
2. Madhu Anand, son of Sambhu Pd. Swarnkar, resident of Ward no.25, Town + P.S. and District- Supaul.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Vijay Kumar, Advocate
For the State : Mr. Surendra Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 24-08-2017

Heard learned counsel for the petitioner as well as learned counsel appearing on behalf of opposite party no.2.

2. This quashing application is filed for setting aside the F.I.R. of Supaul P.S. Case No.138 of 2014 registered under Sections 417, 420, 467, 468, 471, 120B, 194, 195 and 198/34 of the Indian Penal Code and also for setting aside the warrant of arrest issued against the petitioner.

3. Learned counsel for the petitioner submits that by lodging the present F.I.R., the informant seeks reinvestigation of Supaul P.S. Case No.555 of 2012 lodged by the petitioner against informant of the present case under Section 307 and other Sections of the I.P.C. In the instant F.I.R., the allegation is that forged injury reports were brought



in existence by the petitioner in that case, however, in Supaul P.S. Case No.555 of 2012, police has submitted charge sheet against the accused persons, so it amounts to further investigation in the earlier case and for the same offence there could not be two investigations.

4. Contrary to the said submission, learned counsel for the opposite party no.2 submits that this is a separate case of creating forged injury reports by the accused persons for lodging case against the opposite party no.2, so it requires investigation.

5. The Court finds that one of the co-accused of the present case had earlier preferred a criminal writ for quashing or setting aside the same first information report but it was dismissed by a Co-ordinate Bench of this Court vide order dated 25.5.2015 passed in Cr.W.J.C. No.482 of 2015 holding therein that it cannot be argued that the F.I.R. as a whole does not disclose an offence. In the F.I.R. allegation is of bringing into existence forged injury report which requires investigation, so for aforesaid reason, this quashing application stands dismissed.

(Arun Kumar, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	N/A
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