

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49056 of 2014

Arising Out of PS. Case No.-270 Year-2014 Thana- BARH District- Patna

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Ramesh Singh @ Ramesh Chandra son of Devendra Kumar alias Devendra Singh Resident of Village - Machharhatta, PS - Barh, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Panchanand Sharma son of late Sukhdeo Sharma Resident of village - Dayachak, Ward no, 26, P.S. - Barh, District - Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Fakruddin Ali Ahmad, Adv with Mr. Majid Mahboob Khan, Adv
For the Opposite Party/s	:	Mrs. ASHA KUMARI (APP)

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date : 13-10-2017

Heard learned counsel for the parties.

This application under Section 482 of the Cr.P.C has been filed for quashing the FIR in connection with Barh P.S. Case No. 270 of 2014 under Sections 467, 468, 471, 420 and 120B of the Indian Penal Code pending before the learned A.C.J.M., Barh, Patna.

Briefly stated, the facts of the case is that one Panchanand Sharma filed a written complaint before the Sr. Superintendent of Police, Patna stating therein that he is the headmaster cum member secretary of Harihar Sah Balika Uchha Vidyalaya, Machharhatta, Barh and the account of School stands in Central Bank of India, Barh, which was opened under



his signature and was being operated by him. It has been further stated that on 17.06.2014, he went to the bank to update the account and came to know that without his signature in an unauthorized way the amount sanctioned by the Bihar Government i.e. Rs. 1,27,500/- has been withdrawn from the account on 27.05.2014. On query being made from the Branch Manager, he did not gave satisfactory reply and subsequently he disclosed the name of accused persons in the written complaint that the accused persons have misappropriated the amount. On the basis of written complaint Barh P.S. Case No. 270 of 2014 was registered on 17.04.2014 under Sections 467, 468, 471, 420 and 120B of the Indian Penal Code and the matter is under investigation by the police.

Investigation of cognizable case is the domain of police and this Court in its inherent jurisdiction is not supposed to interfere with the investigation as the matter is being investigated by the police, the petitioner cannot be prejudiced by the investigation as after investigation only the police can come to the conclusion whether any cognizable offence has been committed or not. The police can submit a closure report also and if some offence has been committed, it would submit a chargesheet but this stage comes only after conclusion of



investigation.

In the facts and circumstances of the case, this Court is not inclined to interfere with the investigation made by the police as such FIR cannot be quashed, however, the petitioner is at liberty to take appropriate remedy after conclusion of investigation by the police, in accordance with law.

With the aforesaid observation and liberty, this application is disposed of.

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	18.10.17
Transmission Date	18.10.17

