

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

**Criminal Miscellaneous No.7850 of 2014**

Arising Out of PS.Case No. -10 Year- 2014 Thana -SACHIWALAYA District- PATNA

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Waris Ali Farooqui, Son of Late Hussain Mazhar Farooqui, Resident of C/310,  
New Officers Hostel, Bailey Road, P.O. G.P.O., P.S.- Kotwali, District- Patna

.... .... Petitioner/s

Versus

1. The State Of Bihar
2. Patna Municipal Corporation, through its Municipal Commissioner, Maurya Lok  
Complex, Patna

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Suraj Samdarshi, Advocaet.  
Mr. Vijay Shanker Tiwari, Advocate.

For the Opposite Party/s :

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR**

**ORAL JUDGMENT**

**Date: 29-08-2017**

Heard learned counsel for the petitioner and the State.

2. The petitioner has filed this application, under Section 482 of the Cr.P.C., 1973, for quashing FIR of Sachivalaya P.S. Case No. 10 of 2014 dated 13.01.2014, lodged against the petitioner under Sections 409, 420, 467, 468 and 471 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that no offence is disclosed in the FIR and the entire dispute in between the petitioner and the Patna Municipal Corporation predominantly lies in the realm of civil dispute. In fact, the petitioner is title holder of the land despite being prosecuted without any basis. He further points out that Patna



Municipal Corporation directed to lodge the case against one Ram Kripal Rai and not against this petitioner further he relies upon a number of decisions in the case of *M.N.Ojha & Ors. v. Alok Kumar Srivastav & Anr.* reported in (2009) 9 SCC 682; of *Sarabjit Singh v. State of Punjab & Ors.* reported in (2013) 6 SCC 800; of *Rashmi Jain vs. State of Uttar Pradesh & Anr.* reported in (2014) 13 SCC 553; of *Rajiv Ranjan & Ors. v. R.Vijay Kumar* reported in (2015) 1 SCC 513; of *D.P.Gulati, Manager Accounts, Jetking Infortrain Limited v. State of Uttar Pradesh & Anr.* reported in (2015) 11 SCC 730; and of *Mohd. Khalid Khan v. State of Uttar Pradesh & Anr.* reported in (2015) 15 SCC 679.

4. Whereas, learned counsel appearing on behalf of the Patna Municipal Corporation submits that with connivance of co-accused Ram Kripal Rai, an employee of the Corporation, forged holding number in favour of petitioner was created without any order from the authority of the Municipal Corporation in order to grab corporation land situated at primary commercial location of Patna worth of more than 100 crores and the contents of the FIR do make out a cognizance offence.

5. The Court has gone through the contents of the FIR, it is not a case that no offence is disclosed in the FIR, the law is well settled if any cognizable offence is made out from the contents of the



FIR, then it requires proper investigation by the police to ascertain the truthfulness or falsity of the allegation. So at this stage, this Court does not find any ground to quash the FIR, accordingly, the application stands dismissed.

**(Arun Kumar, J)**

Sujit/-

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