

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 546 of 2016

Arising out of P.S. Case No. - null Year - null Thana - null District - SASARAM (ROHTAS)

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Narvadeshwar Singh, Son of Late Narayan Singh, Resident of Village - Narendrapur, P.S. Andar, District - Siwan (Bihar), the then Circle Officer, Dinara at present Consolidation Officer, Semari, Buxar

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Home Department, Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Magadh Range, Gaya.
4. The Deputy Inspector General of Police, Magadh Range, Gaya.
5. The District Magistrate, Rohtas at Sasaram.
6. The Superintendent of Police, Rohtas at Sasaram.
7. The Sub Divisional Police Officer, Bikramganj, District- Rohtas at Sasaram.
8. The Sub Divisional Officer, Bikramganj, District- Rohtas at Sasaram.
9. The Executive Magistrate, Bikramganj, District- Rohtas at Sasaram.
10. The Deputy Collector Land Reforms, Bikramganj, District- Rohtas at Sasaram.
11. The Station House Officer of Dinara Police Station, District- Rohtas at Sasaram.
12. The Station House Officer of Natwar Police Station, District- Rohtas at Sasaram.
13. The Investigating Officer of Dinara Police Station, Case No. 06 of 2016, District - Rohtas at Sasaram.
14. The Investigating Officer of Natwar Police Station, Case No. 03 of 2016, District - Rohtas at Sasaram.
15. The District Manager, Bihar State Food Corporation, Rohtas (Sasaram).

.... Respondents

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Appearance :

For the Petitioner	: Mr. B. P. Pandey, Sr. Advocate Mr. Rakesh Kumar, Advocate
For BSFC	: Mr. Adity Prakash Sahay, Advocate
For the Respondent	: Mr. Dinesh Maharaj, A.C. to A.A.G.-II

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date: 27-07-2017

Heard learned counsels for the parties.

2. The petitioner is accused in Dinara P.S. Case No. 06 of 2016 as well as Natwar P.S. Case No. 03 of 2016, both lodged by the same informant on the basis of same cause of action and disclosing commission of offence relating to the same occurrence and



for that reason, the petitioner has invoked the writ jurisdiction of this Court to quash the subsequent FIR of Dinara P.S. Case No. 06 of 2016.

3. Reliance has been placed on **T.T. Antony etc. Versus State of Kerala & Ors. etc.** reported in **2001(6) SCC 181** for submission that two FIRs are not permissible for the same subject matter under the Cr.P.C. and this Court is competent to quash one of the criminal proceedings.

4. Though learned counsel for the State-respondents drew attention of this Court to the counter affidavit wherein it has been stated on oath that both the FIRs do not relate to the same criminal act. However, at the time of scrutiny, learned counsel concedes that both the FIRs were lodged by the same informant on the same day basing the report of the Sub-Divisional Officer, Bikramganj, Rohtas through his confidential letter no. 272, dated 19.05.2015 and letter of the District Magistrate, Rohtas at Sasaram through memo no. 1965, dated 08.10.2015. The allegation is of irregularity in the purchase of paddy in Dinara Prakhanda for the year 2014-15 in both the FIRs.

5. Only difference in the two FIRs is that the petitioner and accused Uday Bhanu Pratap Singh are accused in both the cases whereas other accused are different in both the cases.



6. After careful scrutiny of both the FIRs, I am of the view that both the FIRs. have been lodged ventilating same cause of action, hence, the petitioner cannot be compelled to face parallel prosecution in two cases in the light of the judgment of the Hon’ble Apex Court in T.T. Antony’s case (**supra**). Therefore, FIR of Dinara P.S. Case No. 06 of 2016 against the petitioner is hereby quashed.

7. Accordingly, this application stands allowed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	02.08.2017
Transmission Date	02.08.2017

