

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37693 of 2014

Arising out of P.S. Case No.2743 Year 2013 Thana WEST CHAMPARAN COMPLAINT District
BEGUSARAI

- =====
1. Imteyaz Ahmad Karimi, Son of Late Ashfaq Ali, Chief Executive Officer, Bihar State Sunni Wakf Board, Haj Bhawan, Harding Road, P.S.- Sachiwalay, Patna-1
 2. Md. Khursheed Anwar @ Md. Khursheed, Advocate, Son of Late Md. Majiduddin Working as Legal Nodel Officer, Bihar State Sunni Wakf Board, Haj Bhawan, Harding Road, P.S.- Sachiwalay, Patna-1

.... Petitioners

Versus

1. The State of Bihar
2. Amit Kumar Srivastava, Son of Bipin Bihari Srivastava, Resident of Bal Krishna Colony, Hari Vatika Chowk, P.S. Bettiah Muffasil, District West Champaran (Bettiah)

.... Opposite Parties

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Appearance :

For the Petitioners	:	Mr. Rashid Izhar, Advocate
For the State	:	Mr. Ram Sumiran Rai, APP
For O.P. No.2	:	Mr. Umesh Chandra Verma, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 06-10-2017

Heard learned counsel for the petitioners as well as
learned counsel for opposite party no.2.

2. The petitioners seek quashing of cognizance order dated 04.07.2017, passed by Judicial Magistrate, 1st Class, Bettiah, West Champaran in Complaint Case No.2743(C) of 2013 taking cognizance of the offence under Sections 420/34 of the Indian Penal Code.

3. The allegation in short is that the complainant filed a petition before the Bihar State Sunni Wakf Board making enquiry to a particular plot mentioned in the complaint whether that land is



recorded with the Wakf Board or not. The accused no.2, a lawyer by profession, asked the complainant to approach petitioner no.1, Chief Executive Officer of the Wakf Board. On approach he asked the complainant to pay Rs.10,000/- so the said information could be sent to his home. It is alleged that one day both the accused came to the residence of the complainant at Bettiah and handed over the letter issued by petitioner no.1 on behalf of the Bihar State Sunni Wakf Board that the said land is not registered with the Board. When the letter was filed in the Board then he learnt that this letter is a forged one and the signature too was also forged.

4. Learned counsel for the petitioners submits that all the forgery has been committed by the complainant in order to grab the land of the Wakf Board. It is also submitted that petitioner no.1 is the Chief Executive Officer of the Board and originally belongs to the cadre of Additional Collector. Petitioner no.1 first received a letter dated 30.09.2013 from Mutwali of the Wakf State of Bettiah. Immediately thereafter on the next day, he requested the Officer-In-Charge of Sachiwalaya Police Station by sending a letter dated 01.10.2013 for institution of FIR in the matter; as the matter of jurisdiction of the case was raised by Sachiwalaya Police Station as well as to the District Magistrate and Superintendent of Police, West Champaran for institution of the case relating to investigation of the



forged letter. Now the matter is under investigation by the police in Sachiwalaya P.S. Case No.36 of 2014. It is also submitted that no sanction has been obtained from the competent authority of the State Government for launching prosecution against petitioner no.1 who is a public servant.

5. Having considered the rival submissions and on perusal of the records, the Court finds that petitioner no.1 is the Chief Executive Officer of the Bihar State Sunni Wakf Board whereas petitioner no.2 is a lawyer engaged by the Board. Petitioner no.1 immediately after having knowledge of this letter informed the police for investigating the matter promptly and after a month knowing about the action taken by the petitioners, the present complaint was filed. Obviously no sanction has been taken in the present case against petitioner no.1, who is a public servant, and matter is still under investigation by the police as petitioner no.1 has lodged information alleging that the letter produced by the complainant is a forged document, so it appears that the present complaint has been maliciously filed by the complainant. The police investigation is still undergoing and after completion of investigation the legal proceeding may be initiated against the person responsible for the same, so at present the continuation of the present criminal proceeding would be abuse of the process of the Court. Hence, the entire criminal



proceeding inclusive of the cognizance order dated 04.07.2014, passed by Judicial Magistrate, 1st Class, Bettiah, West Champaran in Complaint Case No.2743(C) of 2013 is hereby quashed and set aside.

6. The quashing petition stands allowed.

(Arun Kumar, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.10.2017
Transmission Date	07.10.2017

