

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47094 of 2013

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Dhyani Singh, Son of Late Bangal Singh R/O Village-Sukki, P.S. Khajauli,
Distt-Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Bihar School Examination Board

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Singh

For the Opposite Party/s : Mr. Satyavrat Verma (App)

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

10 04-10-2017 Heard learned counsel for the petitioner as well as

learned counsel for the State.

The petitioner seeks quashing of order dated
28.06.2013 passed by the Judicial Magistrate, Madhubani in
Khajauli P.S.Case No. 124 of 2011 thereby taking cognizance of
offence under Sections 419, 420, 467, 468, 471 and 409 of the
Indian Penal Code.

Learned counsel for the petitioner submits that no
material has been brought during investigation that Dhyani Singh
son of Bangali Singh and Dhyani Singh son of Bangal Singh, as
alleged, is the same person, even the District Education Officer,
has not submitted enquiry report up-till-now. Whereas learned
counsel appearing on behalf of the Bihar School Examination
Board (hereinafter referred to as the 'Board') submits that



investigation was done in the matter and police submitted charge sheet concluding Dhayani Singh, son of Bangali Singh and Dhyani Singh, son of Bangal Singh, resident of village–Sukki, P.S.-Khajauli, District Madhubani is one and the same person so the result of the petitioner was cancelled by the Board.

However, the Court finds that it's not a case that no *prima facie* case is disclosed considering the allegation and charge sheet submitted by the police, so cognizance cannot be quashed. Law is very well settled that prosecution case cannot be stifled under the inherent power exercised under Section 482 Cr.P.C. and the Court cannot go into roving enquiry at this stage, the said power is to be exercised sparingly. So finding no merit, this application stands dismissed.

(Arun Kumar, J)

Sujit/-

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