

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48363 of 2013

Arising Out of PS.Case No. -119 Year- 2012 Thana -DANDKHORA District- KATIHAR

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1. Md. Iqbal Ahmad Son Of Md. Usman Gani Resident Of Village- Itwa, P.S.-
Dandkhora, District- Katihar

2. Saira Tarannum @ Saira Khatoon Daughter Of Md. Nazamuddin Anwari,
Resident Of Mohalla - Barbanna, P.S.- Katihar, Town, District- Katihar

3. Hena Ansari Daughter Of Md. Nazamuddin Anwari, Resident Of Mohalla -
Barbanna, P.S.- Katihar, Town, District- Katihar Petitioners

Versus

1. The State Of Bihar

2. Shankar Kumar Mandal Son Of Late Shyamlal Mandal Resident Of Village -
Mahamdiya, P.S.- Dandkhora, District- Katihar Opposite Parties

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Appearance :

For the Petitioners : Mr. Bhola Prasad, Adv.
For the Opposite Parties : Mr. Lallan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 10-01-2017

Heard the learned counsel for the petitioners and the State.

2. The petitioners have prayed for quashing of order, dated 09.05.2013, passed in Dandkhora P.S. Case No. 119 of 2012 whereby cognizance has been taken against the petitioners for offence under Sections 420, 468 and 471 of the Indian Penal Code by the Court of learned Chief Judicial Magistrate, Katihar.

3. Allegation in the first information report is that the petitioners got job of contract teachers and at the time of verification of their certificates it revealed that the petitioners were in possession of different certificates of matriculation level. Some other complaints were received by the authorities that the petitioners were in possession of matriculation certificate as well as maulvi certificate, both passed approximately during the same period and both containing two different dates of birth.

4. Having noticed the aforesaid fact the authorities terminated the engagement of the petitioners as contract teachers and first information report was also filed by the Government authorities.

5. Submission of the petitioners is that the certificate on the basis whereof the petitioners entered into job was not a forged and another certificate was never used. More over, the petitioners have



already been terminated from the service, hence, sufficiently been punished. Therefore, continuation of criminal prosecution is abuse of the process of the Court.

6. I do not find any merit in the submission, aforesaid. The petitioners were found in possession of two certificates obtained during the same period which is not permissible under the law. Malicious intention of the petitioners is there. More over, punishment in departmental proceeding is no ground for quashing of the criminal proceeding.

7. Therefore, I do not find any merit in this application. Accordingly, it stands **dismissed**.

8. However, at the time of hearing on the charge the Court below shall consider the framing of charge on the basis of material brought on record during investigation without being prejudiced of this order.

(Birendra Kumar, J)

SA/-

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Uploading Date	
Transmission Date	

