

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.57702 of 2017

Arising Out of PS.Case No. -555 Year- 2017 Thana -KISHANGANJ District- KISANGANJ

=====

1. Gyanesh Pathak, S/o Sri Sahasram Pathak, R/o 503 Marigold Apartment, Faizabad Road, U.P., President, Board of Director of Jk.V. Multistate Co Operative Society Ltd, having its registerd office 225, Sahara Shopping Centre, Faizabad Road, Indira Nagar, P.S.- Ghazipur, District- Lucknow, Lucknow (U.P.).

2. Raj Narain Tiwari S/o Nagendra Nath Tiwari, R/o Pipal Gaon, P.S.- Jhalwa Dhumaganj, District- Allahabad, Allahabad (U.P.).

3. Binod Kumar S/o Baidnath Singh, R/o Mahatma Gandhi Nagar, Ward No. 9, P.S.- Buxar Town, District- Buxar, Buxar (Bihar).

4. Vikash Nath Tripathi S/o Bharat Tripathi, R/o 529/392, 2nd Floor, Rahim Nagar, Mahanagar, P.S.- Mahanagar, District- Lucknow (U.P.).

5. Rina Jha W/o Chandra Nath Jha, R/o 94, Bihpur, P.S.-Bihpur, District- Bhagalpur (Bihar).

6. Poonam Singh W/o Vinod Kumar, R/o Mahatma Gandhi Nagar, Ward No.9, Buxar, P.S.- Buxar Town, District- Buxar, Bihar.

Petitioners No. 2 to 6 are Directors of the Board of Directors, JKV Multistate Credit Co-Operative Society Ltd. having Registered Office at 225, Sahara Shopping Centre, Faizabad Road, Indira Nagar, Lucknow (U.P.).

7. Ashish Sarkar S/o Yogesh Chandra Sarkar, R/o Milan Colony, Kishanganj, P.S. & District- Kishanganj, Branch Manager, J.K.V. Multistate Credit Co-Operative Society Ltd., having its branch office at Pacchimpali, Hanuman Mandir Road, Kishanganj, P.S. & District- Kishanganj (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.



2. The Director General of Police, Bihar, Patna.
3. Police Inspector, Economic Offence Unit, Bihar, Patna.
4. Superintendent of Police, Kishanganj.
5. Office In-Charge, Kishanganj Police Station, Kishanganj.
6. Sri Shashi Bhushan Kumar, A.S.I. (Informant), Kishanganj Police Station, Kishanganj.
7. Sri Mahfooj Alam, C.I., Sadar Circle, Kishanganj Police Station, Kishanganj (the Investigating Officer).

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Sharma, Advocate

For the Opposite Party/s : Mr. Mushtaque Alam, APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT
Date: 02-08-2018

Heard learned counsel for the petitioners and learned counsel
for the State.

2. This application under section 482 of the Code of Criminal Procedure (for short 'the Cr.P.C.') has been filed by the petitioners for quashing of the First Information Report (for short 'the F.I.R.') of Kishangaj P.S. Case No. 555 of 2017 dated 14.10.2017 registered under section 419, 420, 467, 468, 471, 406 and 120B of the Indian Penal Code.

3. Mr. Pramod Kumar Sinha, learned counsel for the petitioners has drawn my attention to various documents annexed to the petition in order to establish innocence of the petitioners in the



instant case. He has contended that the F.I.R has been instituted on misconceived facts without verifying the truthfulness of the allegations made by the informant.

4. Learned counsel for the State while opposing the application submitted that the defence of the petitioners cannot be looked into at this stage. He contended that the allegations made in the F.I.R. clearly attract cognizable offence and, thus, no illegality can be found in instituting of the F.I.R.

5. I have heard learned counsel for the parties and carefully perused the F.I.R. as contained in Annexure-1 to the present application.

6. On perusal of the F.I.R., I am of the opinion that a cognizable offence is clearly made out. To hold investigation into a cognizable offence is the statutory duty of the police. The investigation can be initiated by the police only on institution of the F.I.R. Thus, no illegality can be found with the action of the police in institution of the case against the petitioners or carrying on investigation on the basis of the F.I.R. The defence taken by the petitioners in support of their innocence can be considered by the investigating agency in course of investigation or by the court at an appropriate stage in case an adverse police report is submitted. It would not be proper for this court to interdict the F.I.R. on the basis of



plea of innocence of the petitioners. It would be open to the petitioner to take such plea before the court below at an appropriate stage.

7. The application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

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

