

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.11396 of 2015

Arising Out of PS.Case No. -924 Year- 2014 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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Shobhendra Kumar Choudhary, Son of Sri Shakti Dhar Choudhary, resident of Panchobh, P.O. - Panchobh, P.S. - Bishanpur, District- Darbhanga, the then posted as District Manager, Bihar state Food & Civil Supplies Corporation, Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Pratima Kumari, wife of Sri Manoj Kumar, resident of Village- Kala Tola, P.S. - Bariyarpur, Distt- Munger.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nikesh Kumar, Advocate.

For the Opposite Party/s : Mr. Shailendra Kumar-II, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 06-02-2018

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing of the First Information Report of Bhagalpur Kotwali (Aadampur) P.S. Case No. 924 of 2014 instituted for the offences under Sections 420, 467, 468, 471 and 120 (B) of the Indian Penal Code.

2. Heard learned counsel for the petitioner and learned counsel for the State.

3. Learned counsel for the petitioner has submitted that the second First Information Report has been filed by Pratima Kumari for the same occurrence for which earlier First Information Report has been filed on 11.11.2014 by one Jawahar Lal Mandal,



uncle of the informant (Pratima Kumari) of this case. It has further been submitted that for the same occurrence two First Information Reports cannot be registered.

4. Learned counsel for the petitioner has relied upon a decision reported in *(2013) 6 SCC Page 348 (Amit Bhai Anil Chandra Shah Vrs. Central Bureau of Investigation and Another.)*.

5. Learned A.P.P. has appeared and submitted that in both the First Information Report the informant is different. The facts of both First Information Reports are also not the same. Both the FIRs have not been lodged for the same set of transaction of the offence.

6. This Court after perusing the instant First Information Report finds that it has been lodged by Pratima Kumari, levelling allegation against accused persons as named in the First Information Report. The petitioner is also named in the instant First Information Report. In the earlier First Information Report which has been lodged by uncle of the informant Jawahar Lal Mandal, only one Abhay Kumar Singh was named. He has made request in the First Information Report for making investigation in the case as he also suspects hands of other accused persons in the occurrence.

7. Therefore, this Court after looking into both the First Information Reports does not find that both the First Information Reports have been lodged for the same set of transactions of the



offence. The police has power to investigate the allegation made in separate case on its own merit. The police cannot be restrained from investigating the case merely because of filing of earlier First Information Report by one Jawahar Lal Mandal, in which the statement has been made that he suspects the hands of other accused persons also in the occurrence

8. Learned counsel for the petitioner has submitted that he has no grievance with the investigation of the police in the First Information Report. He is aggrieved by the second First Information Report in which he has been named by the informant Pratima Kumari.

9. This Court at this stage cannot give any finding with regard to correctness of the allegation in the instant First Information Report. This can only be found out after proper investigation by the police.

10. Therefore, this Court is not inclined to quash the First Information Report.

11. This Criminal Miscellaneous application is accordingly dismissed.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	AFR
CAV DATE	N.A
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