

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2017 of 2017

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Harendra Kumar, S/o Late Saryu Prasad Singh, R/o Village-Sarathua, P.S.-Udawanat Nagar, District-Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Govt. of Bihar, Patna.
2. The Director General-cum-Inspector General of Police, Bihar.
3. The District Magistrate, Kaimur.
4. The Superintendent of Police, Kaimur.
5. The Officer-in-Charge, Chand Police Station, District-Kaimur.
6. District Manager, State Food Corporation , Kaimur.

.... Respondent/s

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Appearance :

For the Petitioner/s :Mr. Amrendra Narayan Rai, Adv.

For the Respondent/s :Mr. Harish Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 13-08-2018

The petitioner has prayed for quashing of the F.I.R. of Chand P.S. Case No. 193 of 2017, dated 20.08.2017, which has been instituted for the offences under Sections 406, 409 and 420 of the Indian Penal Code.

The learned counsel for the petitioner has submitted that he had earlier approached this Court *vide*



C.W.J.C. No. 8011 of 2015, challenging the order dated 02.05.2015, issued by the District Manager, State Food Corporation, Kaimur at Bhabua directing him to deposit an amount of Rs. 2,61,28,528.45/- in favour of the Bihar State Food and Civil Supply Corporation Ltd. for loss of paddy amounting to 29508.09 quintals for Purchase Center, Chand and for other losses calculated @ Rs. 885.47/- per quintal.

A Bench of this Court, in the aforesaid writ petition, directed the petitioner to file his reply to the order dated 02.05.2015, issued by the District Manager, referred to above. It was also directed that a detailed report would be submitted to the District Magistrate, Kaimur at Bhabua within a further period of six weeks and only after the securitization of the report and fixing the responsibility, any action would be taken. By the aforesaid order, the Court also directed that for two months, till the time such responsibility was fixed, no coercive steps shall be taken against the petitioner.

Learned counsel for the petitioner, in the background of the aforesaid order, has submitted that without fixing the responsibility, the F.I.R. has been lodged in hot haste and without observing the directions passed by this Court.



From the perusal of the aforesaid order referred to above and the F.I.R. which is sought to be quashed, it appears that only after the matter was inquired into/investigated in a preliminary manner, the F.I.R. has been lodged. Whatever has been stated by the petitioner in the present petition is only in his defence, which could be verified only during the course of investigation.

No good ground has been made out by the learned counsel for the petitioner to seek quashing of the F.I.R., referred to above, at this stage when the investigation is being carried out in right earnest.

However, when this Court was not inclined to interfere with the investigation of the subject F.I.R., the learned counsel for the petitioner sought permission to withdraw the petition so as to enable the petitioner to approach this Court at an appropriate stage, if so advised.

The petition is, thus, dismissed as withdrawn with the aforesaid liberty.

(Ashutosh Kumar, J)

Praveen-II/-

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