

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52289 of 2017

Arising Out of PS.Case No. -111 Year- 2017 Thana -MUNGER MUFFASIL District- MUNGER

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Archana Gupta daughter of Kaushal Kishor Prasad Gupta and wife of Sanjay Kumar Gupta, residing at Rampur Bhikhari behind Neelam Cinema, P.S.- Kotwali in the town and district of Munger.

.... Petitioner/s

Versus

1. The State of Bihar through Director General, Vigilance Investigation Bureau, Bihar Patna.
2. Bihar School Examination Board, Patna through its Chairman namely, Mr. Anand Kishore, I.A.S.
3. Vigilance Investigation Bureau, Bihar, Patna through its Director General
4. Superintendent of Police, Vigilance Investigation Bureau, Bihar, Patna.
5. Rahmat Ali, Police Sub-Inspector, Vigilance Investigation Bureau, Camp Munger.
6. Superintendent of Police, Munger.
7. S.H.O. Muffasil, Police Station, Munger.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajnikant Jha, Advocate
For the Vigilance : Mr. Ramakant Sharma, Sr. Advocate
: Mr. Amresh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 17-07-2018

Heard learned counsel for the petitioner and learned counsel appearing for the Vigilance.

2. This application under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.') has been filed by the petitioner for quashing part of the first information report (for short 'F.I.R.') of Muffasil P.S. Case No.111 of 2017 registered for the offences punishable under Sections 420, 467, 468, 471 and 120B of



the Indian Penal Code so far as it concerns with the name of the petitioner.

3. Learned counsel for the petitioner submitted that the allegations levelled against the petitioner are palpably wrong and totally false. The petitioner had actually secured 422 marks in her Intermediate Examination, 2007 and she had produced a genuine marks sheet of her Intermediate Examination duly issued by the Bihar School Examination Board, Patna on 15.12.2008 while seeking employment. He submitted that the entire action of the informant, in roping the petitioner, in the instant F.I.R., is actuated by ill motive and extraneous consideration and is fully arbitrary, mechanical, mischievous, malicious and mala fide. The informant never sent the marks sheet of the petitioner dated 15.12.2008 to the Bihar School Examination Board, Patna and did not seek its opinion regarding the genuineness of the same and declared the same as Farzi without any proper verification causing irretrievable injury to the petitioner with loss of her service, which was the only source of her livelihood.

4. Per contra, learned counsel for the Vigilance Investigation Bureau submitted that the allegations made in the F.I.R. do attract the offences under which the F.I.R. has been instituted. He submitted that the matter is still under investigation and the police have yet not come to a final conclusion regarding culpability of the



petitioner. According to him, to hold investigation into a cognizance offence is the statutory right of the police and the defence of the petitioner taken before this Court cannot be made a ground for quashing the F.I.R. Such defence has to be taken either before the police during investigation or before the court during trial.

5. I have heard learned counsel for the parties and perused the F.I.R.

6. One Rahmat Ali, Sub Inspector of Police, Vigilance Investigation Bureau, Camp Munger submitted a report to the Officer-in-charge of the Muffasil Police Station, Munger on the basis of which the F.I.R. has been registered under Sections 420, 467, 468, 471 and 120B of the Cr.P.C. against the petitioner and several others on 12.05.2017. The informant has alleged in his written report that in compliance of the direction of this Court in a Public Interest Litigation bearing CWJC No.15449 of 2014, he was deputed by the order of the Superintendent of Police, Vigilance Investigation Bureau, Bihar, Patna for verification of the certificates of the employed teachers in the Munger district. In course of verification, the certificates of the Bihar Elementary Teacher Eligibility Test of eleven employed teachers were found completely forged and the petitioner Archana Gupta and one Mukund Bihari had committed forgery in marks sheet of their Intermediate Examination. The specific allegation against the



petitioner in the F.I.R. is that though she had secured 395 marks in her Intermediate Examination, her marks sheet shows that she had secured 422 marks.

7. Thus, the allegation in the F.I.R. is that all the thirteen teachers including the petitioner had obtained employment fraudulently and dishonestly by submitting false certificate.

8. In my considered opinion, the allegations made in the F.I.R. do attract cognizable offence. It is well settled position in law that to hold investigation into a cognizable offence is the statutory right of the police. At the stage of investigation, the court has no role to play. Once the police submit their report under Section 173(2) of the Cr.P.C., the role of the court starts.

9. In that view of the matter, I see no illegality in the institution of the F.I.R. The application is devoid of any merit. It is dismissed, accordingly.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	23.07.2018
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