

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1242 of 2018

Arising Out of PS.Case No. -168 Year- 2016 Thana -BASOPATTI District- MADHUBANI

- =====
1. Heera Devi, Wife of Yogi Paswan, resident of Village- Chilmiliya, P.S. Basopatti, District- Madhubani.
 2. Ramesh Chandra Choudhary, Son of Late Yugeshwar Chaoudhary, Resident of Village- Chilmilya, P.S.- Basopatti, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Lallan Thakur, son of Late Krishna Mohan Thakur, resident of Village- Patahi, P.S.- Sadar, District- Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Adv.
Mr. Vinod Kumar, Adv.

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 13-08-2018 The defects pointed out by the Registry are ignored.

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

This application under Section 482 of the Code of Criminal Procedure has been filed by the petitioners for quashing the First Information Report of Basopatti P.S.Case No. 168 of 2016 dated 10.10.2016 registered for the offences punishable under Sections 420, 406 and 409 read with 34 of the Indian Penal Code.

It is alleged by the informant Lalan Thakur, Block Development Officer, Basopatti Block in the First Information



Report that the petitioners withdrew Rs.54,450/- from the account of Utkramit Madhya Vidyalaya, Chilmiliya for construction of toilet in the school, but the construction was not made and the aforesaid amount of money was defalcated. The petitioners happen to be Secretary and teacher respectively of the said school.

The allegations made against the petitioners do attract the ingredients of a cognizable offence. To hold investigation into a cognizable offence is the statutory duty of the police. In that view of the matter, in order to investigate a cognizable offence if the police have instituted a First Information Report on the basis of allegations made by the informant, no illegality can be found with the action of the police.

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

(Ashwani Kumar Singh, J)

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