

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30020 of 2018

Arising Out of PS.Case No. -281 Year- 2017 Thana -PIRBAHOR District- PATNA

=====

1. Mritunjay Kumar @ Tinku Kumar S/o Sri Shankar Prasad Karn, R/o Pushpunjali Niwas, Salimpur Ahra, P.S.- Kadamkuan, Town and District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rajesh Kumar Jain, S/o Sri Jagdish Kumar Jain, Proprietor Manisha Enterprises, S-106, 2nd Floor, Khetan Super Market, Birla Mandir Road P.S.- Pirbahor, Patna-800004.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rajesh Mohan

For the Opposite Party No.1: Mr. Upendra Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

3 25-09-2018 Petitioner is seeking quashing of the FIR being Pirbahore P.S. Case No.281 of 2017 (G.R.No.3572/17) instituted under Sections 419, 420, 467, 468 and 471 of the Indian Penal Code.

Learned counsel representing the petitioner has raised a number of defence and submits that the prosecution of the petitioner is malicious in nature and in fact he has not committed any offence.

At this stage, this Court is not willing to go into the submissions as it prima-facie appears from a reading of the FIR that if the allegations made therein are found to be correct in



course of investigation it may constitute an offence under the Indian Penal Code. This Court would not express any opinion on the defence raised by the petitioner at this stage. In the opinion of this Court, the investigation of the case cannot be curtailed or put to an end at the threshold.

The application is, therefore, dismissed, but with a liberty to the petitioner to raise all such issues which may be available to him at an appropriate stage in the court below. The petitioner is also granted liberty to bring all the materials to the notice of the investigating officer so that an appropriate investigation may take place.

(Rajeev Ranjan Prasad, J)

Arvind/-

U		T	
---	--	---	--

