

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30061 of 2018

Arising Out of PS.Case No. -280 Year- 2017 Thana -PIRBAHOR District- PATNA

=====

Mritunjay Kumar @ Tinku Kumar, Son of Sri Shankar Prasad Karn,
Resident of Pushpanjali Niwas, Salimpur Ahra, P.S.- Kadamkuan, Town
and District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sri Jagdish Kumar Jain, Son of late Bicha Ram Jain, Proprietor Manisha
Garment, S- 106, 2nd Floor, Khetan Super Market, Birla Mandir Road,
P.S.- Gandhi Maidan, Patna- 800004.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rajesh Mohan, Adv.
For the Opposite Party No.1 : Mr. Md. Fahimuddin, 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.280 of 2017 (G.R.No.3571/17) 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	
---	--	---	--

