

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.697 of 2019

Arising Out of PS. Case No.-3 Year-2019 Thana- AURANGABAD TOWN District-
Aurangabad

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Santosh Kumar Jaiswal (male) aged about 64 years Son of Sri Kripa Shankar Jaiswal, Resident of Village-Lalpur, P.O-Lalpur, P.S-Lalpur, District-Ranchi (Jharkhand)

... .. Petitioner

Versus

1. The State of Bihar Bihar through the Principal Secretary Home Department, Govt. of Bihar, Patna.
2. District Magistrate-cum-Collector, Aurangabad (Bihar). Aurangabad
3. Rajkishore Prasad Singh, Son of Kamla Prasad Singh, Resident of Road No.4, P.S-Brahmputra, M.I.T. District-Muzaffarpur, at present Excise Superintendent, Aurangabad, Police Station-Aurangabad (Town), District-Aurangabad.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Priyanka Singh, Advocate
For the Respondent/s	:	Mr. Prabhat Kumar Verma, AAG-3 Ms. Divya Verma, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 23-04-2019

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

2. This application under Articles 226 and 227 of the Constitution of India has been filed by the petitioner for quashing the first information report (for short 'FIR') of Aurangabad Town P. S. Case No. 03 of 2019 registered under Sections 420, 467, 471 and 120 B of the Indian Penal Code.



3. It is submitted by the learned counsel for the petitioner that the allegations made in the FIR do not constitute any offence against the petitioner. The ingredients of the offences alleged under Sections 420, 467, 471 and 120 B of the Indian Penal Code are not attracted. The registration of the FIR and its investigation is a glaring example of misuse of the power of the police. He submitted that in order to secure the ends of justice, the FIR need to be quashed.

4. Per contra, learned counsel appearing for the State submitted that the specific allegations made in the FIR against petitioner would certainly attract the ingredients of the offences alleged.

5. I have heard learned counsel for the parties and perused the allegations made in the FIR, as contained in Annexure-1 to this application.

6. The FIR has been instituted on the basis of the written report submitted by the Superintendent of Excise, Aurangabad dated 02.01.2019 to the Officer-in-charge Town Police Station, Aurangabad.

7. The prosecution case, in nutshell, is that the petitioner produced a forged letter dated 03.01.1993 authored the then Superintendent of Excise, namely, Rabindra Kumar Sharma



in Title Suit No. 527 of 2016, which was marked as Ext.-6. The said letter is forged, as Rabindra Kumar Sharma was posted as Superintendent of Excise during 08.09.1999 to 06.01.2003.

8. On the basis of the aforesaid allegation, the informant has alleged that in order to obtain a favourable order in Title Suit No. 527 of 2016, the petitioner and other accused persons have produced forged letter dated 03.01.1993 in a proceeding before the court.

9. The aforesaid allegations made in the FIR would definitely attract the ingredients of the offences alleged.

10. In that view of the matter, I see no merit in this application. It is dismissed, accordingly.

(Ashwani Kumar Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.04.2019
Transmission Date	24.04.2019

