

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.810 of 2019

Arising Out of PS. Case No.-230 Year-2016 Thana- SARAIYA District- Muzaffarpur

Smt. Kanti Devi, Wife of Ranjit Kumar, Resident of Village - Gopinathpur
Dokra, P.S.- Saraiya, Distt - Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Government of Bihar, Patna
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Muzaffarpur Zone, Bihar, Muzaffarpur.
4. The Deputy Inspector General of Police, Tirhut Range, Bihar, Muzaffarpur.
5. The Superintendent of Police, Muzaffarpur.
6. The District Co-operative Officer, Muzaffarpur.
7. The Incharge Co-operative Extension Officer, Saraiya, Muzaffarpur.
8. The Officer -In -Charge, P.S.- Saraiya, District - Muzaffarpur.
9. The Investigate Officer, P.S.- Saraiya, District - Muzaffarpur.

... .. Respondents

Appearance :

For the Petitioner/s : Dr. Bipin Chandra, Advocate
For the Respondent/s : Dr. Anand Kumar, AC to AAG-3

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 13-05-2019

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

2. This application has been filed by the petitioner for
quashing the First Information Report (for short 'FIR') of Saraiya
P.S. Case No.230 of 2016 dated 09.07.2016 registered under
Sections 406, 419, 420, 467, 368 and 409 of the Indian Penal
Code.



3. Learned counsel for the petitioner submitted that after the institution of the FIR the petitioner has already deposited the entire amount in question with interest for which a letter has also been issued by the informant District Co-operative Officer, Muzaffarpur. He contended that in view of the subsequent developments the prosecution of the petitioner would be an abuse of the process of the court.

4. *Per contra*, learned counsel for the State submitted that it is a case of defalcation of public money. The petitioner being the Chairman of PACCS has shown purchase of paddy for the financial year 2015-16, but on physical verification, the paddy was not found in godown. Even the custom milled rice in lieu of the paddy supplied was not found in the godown. He contended that there is specific allegation in the FIR that the petitioner has shown purchase in the name of farmers and has withdrawn amount from the bank, which amounts to defalcation. He contended that the subsequent deposit of amount would not purge the offence already committed.

5. Having heard learned counsel for the parties, I find substance in the submission of the learned counsel for the State.

6. The allegation made in the FIR makes out a case of defalcation. Even the subsequent deposit of money already



defalcated by the petitioner would not make out a case for quashing of the FIR. Moreover, the FIR was registered on 09.07.2016, the petitioner has not disclosed as to the stage of the case. On query, he submitted that he has no instruction as to whether the investigation is over or not.

7. Having regard to the entirety of the facts and circumstances of the case, I do not find it a fit case for quashing of the FIR. The application is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.05.2019
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