

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.509 of 2017

Arising Out of PS. Case No.-128 Year-2016 Thana- VIGILANCE District- Patna

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Pramila Kumari @ Parmila Kumari W/o Satyandra Kumar, At Present R/o-
Mohallah-Navchetna Path, Shivpuri Chitkohra Shiv Mandir. P.S. Phulwari,
District-Patna.

... .. Petitioner

Versus

The State Of Bihar through the Vigilance Bureau of Investigation, Bihar,
Patna.

... .. Respondent

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Appearance :

For the Petitioner : Mr. Anish Kumar, Adv.
For the Respondent : Mr. A.C. to A.G.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 05-08-2019

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 Vigilance P.S. Case No. 128 of 2016 corresponding to Special Case No. 59 of 2016 registered under Sections 7 and 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988.

2. From perusal of the FIR, as contained in Annexure-1 to this application, it would be evident that the petitioner, a Child Development Project Officer, Nautan, West Champaran was caught red handed by the Vigilance police while accepting an illegal gratification of Rs.10,000/-. In this regard, the complaint made by one Basant Kumar Sharma to the Superintendent of



Police-cum-Officer-in-Charge of Vigilance Police Station was sent for verification by one Mani Kant Singh. The verifier submitted his report pursuant to which a trap team was constituted. A pre-trap memorandum was also prepared and when the petitioner allegedly demanded illegal gratification and accepted the same, the raiding team caught hold of her and seized Rs.10,000/- from her possession. After preparation of search-cum-seizure list, post-trap memorandum was also prepared.

3. In support of his submission, learned counsel for the petitioner has stated that the recovery of Rs.10,000/- was made from beneath the bed of the petitioner. He contended that the allegation made in the FIR are not believable. The service career of the petitioner is excellent and during her entire service career she has never ever been held responsible for any misconduct.

4. On the other hand, learned counsel for the State submitted that the allegations made in the FIR do attract the ingredients of the offences alleged. He contended that the plea of innocence and/or any defence of the petitioner can be considered by the court at an appropriate stage. However, the same cannot be made a ground for seeking quashing of the FIR.

5. I find substance in the submission of the learned counsel for the State. The allegations made in the FIR do attract



the ingredients of the offences alleged. The offences alleged being cognizable in nature are required to be investigated by the police.

6. In that view of the matter, neither the institution of the FIR nor the investigation into the allegations made in the FIR can be held to be had.

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

(Ashwani Kumar Singh, J)

pradeep/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	07-08-2019
Transmission Date	07-08-2019

