

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34552 of 2014

Arising Out of Case No.-45 Year-2013 Thana- THAKRAHA District- West Champaran

Sant Kumar Das (retired Revenue Karamchari) S/o Late Shri Lal Das
Resident of Village- Mushapur, Police Station- Gatano, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Amarjit Bhagat Circle Officer Thakraha, P.S. Thakraha, Distt.-West
Champaran. West Champaran.
3. The Superintendent of Police, Bagaha (West Champaran), West Champaran.
... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Mishra with Mr. Milind Kumar Mishra, Advocates
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 09-05-2019

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

2. The petitioner has moved the Court under Section 482
of the Code of Criminal Procedure, 1973 for the following relief:

*“That this application is being filed for quashing the
First Information Report vide Thakaraha Police
Station Case No. 45 of 2013 lodged on 23.3.2013 for
the offence punishable under Sections 420, 467, 468,
471, 472 of the Indian Penal Code.”*

3. The petitioner is accused in Thakraha P.S. Case No.
45 of 2013 dated 23.03.2013 registered for offence punishable



under Sections 420, 467, 468, 471 and 472 of the Indian Penal Code. The allegation against the petitioner is that being *Halka Karamchari*, he had created *Jamabandi* in the name of private persons fraudulently.

4. Learned counsel for the petitioner submitted that he is facing the prosecution for similar charges in Thakraha P.S. Case No. 67 of 2008 dated 28.04.2008 as well as Thakraha P.S. Case No. 24 of 2011 dated 20.02.2011. It was submitted that specifically Thakraha P.S. Case No. 24 of 2011 is identical to the present case. Learned counsel submitted that under such circumstances two FIRs, based on the same facts, are not permissible in law.

5. Earlier, the Court had directed the Superintendent of Police, Bagaha to file a comparative chart with regard to all the three cases. The same has been brought on record by way of counter affidavit filed by the Superintendent of Police, Bagaha. From the same, it transpires that the allegation in Thakraha P.S. Case No. 24 of 2011 is based on the same facts and in which after investigation, charge sheet has been submitted. With regard to the present case, it has been stated that steps have been taken for arrest of the petitioner and, thus, the investigation is pending.



6. Learned APP was not in a position to controvert such fact that the allegations in Thakraha P.S. Case No. 24 of 2011 and Thakraha P.S. Case No. 45 of 2013 are based on the same facts.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds that the second FIR based on the same fact as in Thakraha P.S. Case No. 24 of 2011, besides being an abuse of the process of the Court, is not maintainable in law, both for the reason that on the same allegation, after investigation, charge sheet has been submitted against the petitioner and another person. Thus, once already a criminal prosecution has been started with regard to the same alleged offence, a second proceeding based on the same facts is required to be interfered with.

8. Accordingly, the application is allowed. The entire criminal proceeding relating to FIR of Thakraha P.S. Case No. 45 of 2013 stands quashed.

(Ahsanuddin Amanullah, J)

Anjani/-

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