

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1632 of 2017

Arising Out of PS. Case No.-251 Year-2016 Thana- KATIHAR District- Katihar

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Tushar Kant Das, S/o Late Krishna Kr. Das, for Rahul Enterprises, Katihar, resident of Power House Road, Binodpur, P.S.-Katihar, District-Katihar, Permanent resident of Das Para Road, House No.31, P.S.-Bajbaj, District-South-24 Pargana (W.B.).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Satish Kumar Singh, S/o Late Sakaldeo Singh, resident of village-Durgapur, Gaushala, P.S.-Katihar (Sahayak), District-Katihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghvendra Kumar Singh-Advocate
For the Opposite Party/s : Mr. Surendra Kumar-A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 08-03-2019 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor.

Petitioner has asked for quashing of the investigation of Katihar Town P. S. Case No.251 of 2016 on the plea enumerated therein and to justify the same, several annexures have been annexed with the instant petition in his defence. Without discussing the case on its merit, because of the fact that it will cause prejudice to the interest of the petitioner during course of trial, it looks suffice to incorporate the principle having propagated by the Hon'ble Apex Court in *Tilly Gifford v. Michael Floyd Eshwar and another reported in (2018)11 SCC 205* relevant Para-3:-



“3. A perusal of the order of the High Court released on 21.05.2015 would indicate that the High Court has gone far beyond the contours of its power and jurisdiction under [Section 482](#) Cr.P.C. to quash a criminal proceeding, the extent of such jurisdiction having been dealt with by this Court in numerous pronouncements over the last half century. Time and again, it has been emphasized by this Court that the power under [Section 482](#) Cr.P.C. would not permit the High Court to go into disputed questions of fact or to appreciate the defence of the accused. The power to interdict a criminal proceeding at the stage of investigation is even more rare. Broadly speaking, a criminal investigation, unless tainted by clear malafides, should not be foreclosed by a Court of Law.

That being so, whatever defence the petitioner has, by way of correspondence is the subject to be scrutinized and weigh during course of trial. So far allegation is concerned, that relates with digestion of the E.P.F. amount and for that, there happens to be no justification at the end of the petitioner.

Accordingly, instant petition is dismissed.

(Aditya Kumar Trivedi, J)

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