

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1434 of 2019

Arising Out of PS. Case No.-500 Year-2019 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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JAWAHARLAL SHAH Son of Late Mungalal Shah R/O - Sahu Colony
Damodarpur, P.S.- Kanti, District- Muzaffarpur, Bihar

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Home Department,
Government of Bihar.
2. The Superintendent of Police, Muzaffarpur.
3. The Deputy Superintendent of Police, Muzaffarpur.
4. The SHO, Sadar, Muzaffarpur.
5. The I.O, of Sadar P.S. Case No. 500/2019.

... .. Respondents

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Appearance :

For the Petitioner	:	Dr. Anand Kumar, Advocate
For State.	:	Mr.M. Nasrul Huda Khan, SC-1
		Mr. Md. Fazle Karim, AC to SC-1

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 23-10-2019

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

Muzaffarpur (Sadar) P. S. Case No. 500 of 2019 for the

offences punishable under Sections 420, 406, 506 and 504

read with 34 of the Indian Penal Code.

3. Learned counsel for the petitioner submitted that



the petitioner is not in any manner connected with the society in question. He contended that the informant has wrongly alleged in the FIR that he is the Chief Executive Officer of the society, which has defalcated huge amount of the poor investors. In support of his submission, he has tried to rely on certain documents annexed with the present application.

4. On the other hand, learned counsel appearing for the State submitted that the allegations made in the FIR do attract the ingredients of the offence alleged under Sections 420 and 406 of the Indian Penal Code, which are cognizable in nature. He contended that the truthfulness of the allegation is to be tested by the police in course of investigation and, at this stage, the defence of the petitioner cannot be looked into for holding him innocent and quashing the FIR.

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

6. There is specific allegation that the petitioner is the Chief Executive Officer of Jalashay Trrift and Credit Self-supporting Co-operative Society Limited. There is allegation that the said society collected more than 20 lakh from the informant and others under the daily deposit scheme and upon



maturity when they claimed their maturity amount, they were abused by the accused persons and threatened of dire consequences.

7. The aforestated allegations would clearly attract the ingredients of the offences alleged, which are cognizable in nature.

8. To hold investigation into a cognizable offence is the statutory duty of the police. It has rightly been argued by the learned counsel for the State that at this stage, the defence of accused cannot be looked into for the purpose of quashing the FIR.

9. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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