

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1513 of 2019

Arising Out of PS. Case No.-521 Year-2019 Thana- GARDANIBAG District-
Patna

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Teachers Struggle Committee through its Chairman Upendra Rai, Male
age 49 years , S/o Ram Sanehi Roy R/o village- Jhalkhora, P.S.-
Karamchatt in the District of Kaimur

... .. Petitioner

Versus

1. The State Of Bihar through its Chief Secretary Cum Home Commissioner
Govt. Of Bihar, Patna
2. The Divisional Commissioner, Patna Division, Patna
3. The Principal Secretary Human Resources department Govt. of Bihar,
Patna
4. The District Magistrate, Patna
5. The Director General of Police, Govt. of Bihar, Patna
6. The Senior Superintendent of Police, Patna
7. The City Superintendents of Police, Patna
8. The Deputy Superintendent of Police, Patna Sadar (Town), Patna
9. The Station House officer, Gardanibagh Police Station, Patna
10. Mrs. Pratima Gupta, D/o not known to the petitioner, the Executive
Magistrate, Danapur, Patna

... .. Respondents

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Appearance :

For the Petitioner : Mr. Sanjeev Kumar, Advocate.
For the Respondent : Mr. Prabhat Kumar Verma, AAG-3

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 18-11-2019

Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The present writ petition has been filed "*for quashing
the F.I.R. bearing Gardanibagh Police Station Case No. 521/19 for the
offence punishable under Section 147, 149, 186, 188 and 353 of the
Indian Penal Code*".



3. Learned counsel for the petitioner submits that on a bare perusal of the F.I.R. no offence under Section 353 IPC is made out against the petitioner which is a registered organization working against the oppressive policy in the matter of Government teachers of State. It is submitted that in the absence of any allegation of the use of criminal force, the ingredients of the offence under Sections 147, 149 and 353 IPC are not attracted.

4. Having heard the parties and on consideration of the materials on record, this Court is of the view that the writ petition for quashing the F.I.R is not maintainable at the instance of the petitioner which is a registered organization working against the oppressive policy in the matter of Government teachers of State. The petitioner organization has not been made accused in the F.I.R. which has been instituted against 5 named and 8 to 10000 unknown demonstrators. This Court is therefore not inclined to enter into the merits of the submission of the petitioner.

5. The writ petition stands dismissed.

(Vikash Jain, J)

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