

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15369 of 2021**

Arising Out of PS. Case No.-207 Year-2017 Thana- DARBHANGA SADAR District-
Darbhanga

=====

SMT. RANJANA KUMARI Wife of Sri Bharat Dubey Resident of Flat No. 302, Awadh Bihari Apartment, Mool Chand Path, New Chirtagupta Nagar, P.S.- Kankarbagh, District and Town Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Managing Director, Bihar State Food and Civil Supplies Corporation Limited, Daroga Rai Path Patna. Bihar
3. Pramod Kumar Pathak Son of Uday Chandra Pathak Resident of CDA Colony, North Shastri Nagar, District - Patna the then District Manager Bihar State Food Civil Supplies Corporation Darbhanga.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar Shukla, Advocate
For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 04-08-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

In compliance of the order dated 12.05.2022, a counter affidavit has been filed on behalf of the Superintendent of Police, Darbhanga.

The petitioner seeks quashing of the F.I.R. being Darbhanga Sadar P.S. Case No. 207 of 2017 registered under Section 409 of the I.P.C.

Learned counsel for the petitioner submits that the present application has been filed by the petitioner for quashing



of the aforesaid F.I.R. The present F.I.R. was lodged against the proprietor of M/s Maa Shyama Rice Mill (Sunil Kumar Singh) with an allegation that the accused was required to deposit Custom Mill Rice (C.M.R.) according to the quality but the same was not deposited, as such an amount of Rs. 2,90,76,177.92/- is recoverable from the accused, further the accused had deposited an amount of Rs. 4,96,000/- as such still Rs. 2,85,80,177.92/- is recoverable, further the amount due is government money and the C.M.R. was to be deposited to the beneficiaries through the P.D.S.

Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that the entire allegation hinges around Sunil Singh, proprietor of M/s Maa Shyama Rice Mill who had not deposited the C.M.R. as a result of which the aforesaid amount became due, it is submitted that petitioner is not named in the F.I.R. nor any remote suspicion about her involvement is even alleged in the F.I.R. It is further submitted that the petitioner is a government servant and has not been departmentally proceeded, it is thus submitted that if the petitioner in any manner would have been involved in the occurrence then definitely a departmental proceeding against her ought to have been instituted apart from the criminal case.



Learned counsel for the petitioner further submits that the petitioner after qualifying B.P.S.C. examination joined Bihar Administrative Service in the year 1998 as Deputy Collector and was given her first posting as C.O., Louriya (West Champaran), it is next submitted that in the month of May 2010, the petitioner was transferred from Areraj where she was working as S.D.O. and thereafter was posted at Darbhanga as District Manager State Food Corporation (S.F.C.) on deputation where she remained upto 22.02.2014. It is further submitted that the petitioner from Darbhanga was transferred to Aurangabad but before joining at Aurangabad, the petitioner had already issued notices against the proprietor of the defaulter mill and had directed to deposit the price of assessed quantity of C.M.R. in the account of S.F.C. as is evident from the Annexure-3 series to the quashing application, further the learned counsel submits that in pursuance of the notices issued by the petitioner, the accused Sunil Singh had deposited Rs. 4,96,000/-.

Learned counsel submits that the petitioner has been roped in the present case by the Superintendent of Police merely on apprehension that the petitioner had adjusted the entire amount against the defaulter mill when in the printed proforma, it is clearly written that amount is to be adjusted. It is further submitted that the false implication of the petitioner in the



present case, based on the apprehension as submitted hereinabove, was with regard to Mabbi P.S. Case No. 355 of 2017, it was a case instituted against one Anil Singh who is brother of Sunil Singh, the main accused of the present F.I.R., learned counsel thus submits that it absolutely does not stand to reason that how come the petitioner has been roped in the present case based on an evidence found in some other case. Learned counsel submits that it appears that the Superintendent of Police, Darbhanga for some ulterior and malicious reasons has roped the petitioner in the present case. It is also submitted that Mabbi P.S. Case No. 355 of 2017 was investigated by the police threadbare and thereafter the police submitted final form bearing No. 620 of 2019 dated 28.09.2019, learned counsel submits that as such the petitioner after investigation was exonerated by the police in Mabbi P.S. Case No. 355 of 2017, learned counsel further submits that the present F.I.R. was also investigated and the police after investigation submitted final form No. 6 of 2021 dated 27.01.2021 in favour of Sunil Singh, the main accused and has kept the investigation pending against the petitioner, learned counsel thus submits that it absolutely defies all logic, wisdom and reasonable administrative behaviour that a person is roped in a case based on some documentary evidence of another case i.e., Mabbi P.S. Case No. 355 of 2017 and the police submits final



form exonerating the accused persons of Mabbi P.S. Case No. 355 of 2017 after investigation, as such the ground on which the petitioner came to be implicated in the present case i.e., based on Mabbi P.S. Case No. 355 of 2017 does not exist as of now. It is also dichotomic that the entire allegation hinges around Sunil Singh in the present F.I.R., but he is given a clean chit and the investigation against the petitioner is continuing.

Learned counsel for the petitioner next submits that a counter affidavit has been filed on behalf of the Senior Superintendent of Police, Darbhanga and from perusal of the paragraph '11' of the counter affidavit it would manifest that the same records - that the deponent most humbly states and submits that it is clear from above facts that in Sadar P.S. Case No. 207/2017, the informant Pramod Kumar Pathak, District Manager, State Food Corporation, Darbhanga during review of the aforesaid case on 21.06.2017 said to the Senior Superintendent of Police, Darbhanga in place of Shri Arbind Kumar, the then District Manager, State Food Corporation, Darbhanga had adjusted the recoverable amount from the bill earlier, he has stated that Smt. Ranjana Kumari, the then District Manager, State Food Corporation, Darbhanga had adjusted the recoverable amount from the bill earlier, as such on the basis of such wrong statement of the informant Pramod Kumar Pathak to



the S.S.P. Police, Darbhanga during course of review of the case Smt. Ranjana Kumari has been made accused in the present case, learned counsel thus submits that the counter affidavit is very clear that how the name of the petitioner transpired in the case. It is also submitted that the counter affidavit very clearly records that based on wrong statement of the informant of Sadar P.S. Case No. 207 of 2017 to the S.S.P., Darbhanga, the petitioner was made an accused as such the learned counsel submits that when the S.S.P., Darbhanga himself in the counter affidavit has taken a stand as recorded in paragraph '11' then allowing the F.I.R. to continue would be an abuse of the process of the Court.

Learned A.P.P. for the State opposes the submissions made by the learned counsel for the petitioner but is not able to meet his submission that when both Anil Singh and Sunil Singh, against whom Mabbi P.S. Case No. 355 of 2017 and Mabbi P.S. Case No. 27 of 2017 respectively were instituted, have been given clean chit by the police in the investigation then what remains against the petitioner.

After hearing the parties, the Court comes to a considered conclusion that *prima-facie* no case is made out against the petitioner, since police after investigation had submitted final form in favour of Anil Singh and Sunil Singh as



aforesaid and further the S.S.P., Darbhanga in paragraph '11' of his counter affidavit has clearly stated that the petitioner in the present case came to be implicated based on the wrong statement of the informant as such allowing the F.I.R. to continue against the petitioner would be an abuse of the process of the Court.

Accordingly, the F.I.R. being Darbhanga Sadar P.S. Case No. 207 of 2017 against the petitioner is hereby quashed.

(Satyavrat Verma, J)

Rishi/-

U		T	
---	--	---	--

