

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40371 of 2021

Arising Out of PS. Case No.-100 Year-2010 Thana- BAHERA District- Darbhanga

SUNIL KUMAR RANJAN Son of Ramdeo Das Resident of Village champatri, P.S. - Belhar, District - Banka, presently posted on the post of D.C.L.R., Supaul, P.S. and District - Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Indu Bhushan, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 12-05-2022 Heard the parties.

The petitioner has preferred this application for quashing of the FIR of Bahera P.S. Case no. 100 of 2010 registered under sections 420, 406, 409, 467, 468 and 471 of the Indian Penal Code.

It is submitted by learned counsel for the petitioner that reading the contents of the FIR, vague, unfounded and unsubstantiated allegations have been leveled against all the accused persons. All the allegations relate to schemes under the MANREGA. It is stated that the petitioner was at no point of time a Drawing and Disbursing Officer under the said scheme nor was a single farthing entrusted to him at any point of time. It is submitted that accepting the allegations leveled in the FIR no



allegation of criminal breach of trust is made out nor any offence under any section of the Indian Penal Code is made out. Thus, it is prayed that the FIR be quashed.

The application is opposed by learned APP for the State.

Having heard learned counsel for the parties and on going through the contents of the FIR, it transpires that the petitioner is named as one of the accused therein and further there is a categorical allegation that all the accused persons defalcated a total sum of Rs. 50 lacs under different schemes in the period 2008-09 and 2009-10.

The Hon'ble Supreme Court in Cr. Appeal no. 330 of 2021 (Ms. Niharika infrastructure Pvt. Ltd vs. the State of Maharastra and Ors) vide judgment dated 13.4.2021 has held that the powers of quashing is to be exercised sparingly and with great circumspection. While examining an FIR, quashing of which is sought, the Court cannot embark upon an inquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR. Quashing of FIR is an exception rather than a rule.

Having heard learned counsel for the parties and taking into consideration the contents of the allegations leveled



in the FIR together with the judgment in the case of Ms. Niharika Infrastructure Pvt. Ltd (supra), the Court is of the opinion that there is no merit in the instant application and the same is dismissed.

(Partha Sarthy, J)

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