

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
Criminal Writ Jurisdiction Case No.1 of 2017**

Arising Out of PS. Case No.-205 Year-2016 Thana- ALOULI District- Khagaria

Smt. Sadhna Sinha wife of Chitranjan Kumar, resident of Village- Sonihar, P.O. and P.S.- Alauli, District- Khagaria, a present Head Mistress, Aadarsh Madhya Vidyalaya, Sonihar Khagaria.

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Department Of Home, Bihar, Patna
2. The Superintendent of Police, Khagaria.
3. The Investigation Officer of Alauli, P.S. Case No. 205 of 2016, Dist- Khagaria.
4. Rajiv Ranjan, son of Vishundeo Prasad Singh, resident of Rajendra Nagar, Ward No.2, P.S.- Chitragupt Nagar, District- Khagaria.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr. Iqbal Asif Niyazi, AC to GP-5

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

12 02-09-2022 Once again no one appears for the petitioner. On 12.08.2022 when there was no representation on behalf of the petitioner, this Court had passed over the matter on its own.

This writ application is of the year 2017. The petitioner prays for quashing of the First Information Report of Alouli P.S. Case No.205 of 2016 for the offence under Sections 188, 420, 467, 468, 471 and 353 of the Indian Penal Code and in the process to do so the petitioner prays for restraining the respondents from proceeding with the investigation of the case and not to take any coercive step against the petitioner..



By order dated 09.03.2017, while issuing notice to the respondent no.4, a learned coordinate Bench of this Court had been pleased to stay the further proceeding of this case as regards the petitioner. Since then the matter is pending and it appears from the records that earlier the prayer for adjournment on behalf of the petitioner was allowed by the Court.

As per the allegations made in the FIR, the District Education Officer, Khagaria had directed for recovery of a sum of Rs.3,89,705/- from the petitioner. Her financial power was withdrawn but despite that the petitioner had withdrawn a sum of Rs.25,000/- from the account on account of mid-day meal scheme. The allegation is that this amount was withdrawn even as she had sufficient money.

In this case, a counter affidavit has been filed on behalf of the respondent no.2. In paragraph '20' of the counter affidavit, it is stated that the status quo order was passed in CWJC No.3450 of 2012 on 23.02.2012 but it is an admitted fact that the financial power was directed to be vested in only permanent teacher and since the petitioner was not a permanent teacher hence she was divested of financial powers only as per the order contained in Annexure-7 of the writ application.

In the nature of the allegations made against the



petitioner, this Court is of the considered opinion that the FIR cannot be quashed at this stage. Let the investigation be completed. In case, after completion of investigation, the petitioner finds herself aggrieved with the same, it will be open for her to challenge the same in an appropriate proceeding in accordance with law.

This application is disposed of accordingly.

Let the investigation proceed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

