

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73977 of 2019

Arising Out of PS. Case No.-66 Year-2019 Thana- PARSAUNI District- Sitamarhi

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Sujeeta Kumari, W/o - Rishikesh Singh, D/O- Ram Pramod Singh R/O -
Village- Parsauni, Ward No. -15, P.O.- Parsauni, P.S.- Parsauni, District-
Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar through Vigilance Department Bihar
2. The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Deovind Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Ajay Mishra, APP
For the Vigilance	:	Mr. Arvind Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL JUDGMENT

Date : 08-09-2022

Heard learned counsel for the petitioner as well as
learned counsel for the Vigilance, Bihar.

It has been submitted by the learned counsel for the
petitioner that petitioner seeks quashing of F.I.R. in Parsauni
P.S. Case No. 66 of 2019, registered under sections 420, 467,
468, 471, 120(B) of the Indian Penal Code pending in the court
of learned C.J.M., Sitamarhi. Learned counsel further submits
that it has been alleged in the FIR that the petitioner gave a
wrong mark-sheet of her intermediate examination and got the
employment as block level teacher. But no such thing was done
by the petitioner. The original certificate of petitioner shows that
she obtained second division in Intermediate and it was not



possible for her to submit a certificate showing first division in mark-sheet. Moreover, the certificates were verified at the time of her employment so there is no question for submitting wrong certificate by the petitioner. Learned counsel further submits that it appears that some persons mischievously placed a wrong application form as well as photo copy of wrong mark-sheet before the authorities and the same was made basis for lodging of the F.I.R. Further, this F.I.R. has been registered after 12 years of the submission of the form and certificate so it appears to be due to malafide. Thus, she seeks quashing of F.I.R. on these grounds.

Learned counsel for the Vigilance opposes the submission made by the petitioner and he submits that the petitioner has mentioned her marks to be 669 on the application form showing she obtained 74.2% of marks whereas she got only 538 marks in her intermediate examination and this fact were verified from the Bihar School Examination Board. Learned counsel further submits that it is also to be considered that why anyone would inflate the marks of this petitioner in his form as well as the mark-sheet. The application form was filled up by the candidates and bears their signatures. Learned counsel further submits that the FIR has been rightly registered and the



petitioner is guilty for wrong doing as mentioned in the F.I.R. for submitting a wrong mark-sheet as well as mentioning wrong details in her form.

I have given my thoughtful consideration to the different aspects of the matter. However, the issue which is being raised here is regarding appraisal of two sets of facts. It is well settled preposition of law that this Court would not go into the disputed questions of facts while exercising its power under Section 482 Cr.P.C. It has no jurisdiction to examine the correctness or otherwise of the allegation.

The aforesaid propositions were laid down by the Supreme Court in the case of *Smt. Nagawwa Vs. Veeranna Shivalingappa Konjalgi*, AIR 1976 SC 1947 and *Madhavrao Jiwagi Rao Sciendia Vs. Sambhajirao Chandiojirao Angre*, AIR 1988 SC 709 and quoted with approval in the case of *State of Haryana and Others Vs. Bhajan Lal and Others*, AIR 1992 SC 604.

Now, from the facts of the present case, it is obvious that the petitioner wants to invoke the inherent jurisdiction of this Court under Section 482 Cr.P.C. to test the veracity of the facts since he has controverted the same with another set of the facts. I am afraid the petitioner could not



succeed in getting any relief from this Court as this Court lacks jurisdiction to examine the correctness of the allegation. Furthermore, the case of the petitioner is also not covered under any of the guidelines as enumerated by the Supreme Court in *Bhajanlal's case* (Supra).

Having regard to the aforementioned discussions, I am of the considered view that there is no merit in the case of the petitioner and hence the same is dismissed.

However, the petitioner is at liberty to raise all issues related to the veracity of the documents or disputed question of facts before the learned trial court at the time of cognizance or at the time of framing of charge, if so advised, which may consider the same without being prejudiced by the present order of this court.

(Arun Kumar Jha, J)

Gautam/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.09.2022
Transmission Date	13.09.2022

