

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.178 of 2022

Arising Out of PS. Case No.-185 Year-2021 Thana- PAHARPUR District- East Champaran

Mithilesh Kumar Singh S/O Late Baidyanath Singh R/O Village- Mathiya,
P.O.- Pratappur, P.S.- Avatarnagar, District- Saran (Chapra).

... .. Petitioner/S

Versus

1. The State Of Bihar Through the Chief Secretary, Govt. Of Bihar, Patna.
2. The Principal Secretary, Department Of Home, Govt. Of Bihar, Patna.
3. The Principal Secretary, Dept. Of Education, Govt. Of Bihar, Patna.
4. The Director Administrator Cum Additional Deputy Secretary, Education Dept., Govt. Of Bihar, Patna.
5. The Director, Primary Education, Govt. Of Bihar, Patna.
6. The District Magistrate, East Champaran, Motihari.
7. The Superintendent Of Police, East Champaran, Motihari.
8. The District Programme Officer, (Establishment), East Champaran, Motihari
9. The Block Development Officer, Paharopur, East Champaran, Motihari.
10. The Block Education Officer, Paharpur, East Champaran, Motihari.
11. The Panchayat Sect., Gram Panchayat Raj, Parsauni, Block And P.S.- Paharpur, Dist.- East Champaran.
12. The Officer In Charge, Paharpur, P.S., District- East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar, Adv.
For the Respondent/s : Mr. Manish Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-04-2023 Counsel for the petitioner and counsel for the State

are present.

The present Writ petitioner filed for quashing of F.I.R.

of Paharpur P.S. Case No. 185 of 2021, lodged under Sections

420, 406, 467, 468, 471, 34 of the I.P.C.

Counsel for the petitioner submits that petitioner is

innocent and he is unnecessarily being made accused in this case. He submits that the petitioner is the District Programme Officer (Establishment), East Champaran, Motihari. He submits that the basis of filing is the report of the District Magistrate, East Champaran, Motihari dated 03.09.2021, which is Annexure-14, page no. 46 of the Writ Petition. He submits that in the concluding portion of the said report, there was no direction to lodge F.I.R. against the petitioner. The said report was concluded in three parts. The first part contains lodging of F.I.R. against specific persons, in which name of petitioner has not mentioned, the second part is for realization of money, by way of filing case under P.D.R. Act and third part is for initiation of departmental proceeding, in this part only petitioner name mentioned.

Counsel submits that petitioner's name was figured in third category, i.e. to take departmental proceeding and neither in category one nor in category two. Counsel further submits that counter affidavit has been filed by the Dy.S.P., Headquarters, Motihari. In the said counter affidavit, particularly in paragraph no. 7, 8 and 9, it has come that filing the F.I.R. was found to be mistake of law.

From the report of the Collector it is crystal clear that

name of the petitioner being the District Programme Officer (Establishment), East Champaram, Motihari was held responsible only for initiation of the departmental proceeding and no direction for filing an F.I.R. or recovery of money has been made against him.

Upon hearing the parties and going through the records, particularly the report of the Collector, which is basis of the filing the present F.I.R., it transpires to the Court that there was no such direction of the Collector to lodge an F.I.R. against the petitioner and in this view of the matter, let the present F.I.R. of Paharpur P.S. Case No. 185 of 2021, lodged under Sections 420, 406, 467, 468, 471, 34 of the I.P.C. specifically with regard to the present petitioner, is hereby **quashed**.

(Dr. Anshuman, J.)

Ashishsingh/-

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