

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20285 of 2023

Arising Out of PS. Case No.-37 Year-2017 Thana- SASARAM NAGAR District- Rohtas

Sundrika Prasad, Son of Late Avadh Bihari Ram @ Avadh Bihari Prasad, R/o
Mohalla Gajadharganj, PS- Buxar, Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Rai, Advocate

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks quashing of FIR of Sasaram P.S. Case No. 37 of 2017 which has been registered for the offences punishable under Sections 409 and 420 of the Indian Penal Code.

3. The petitioner, at the relevant point of time, was working as the Executive Engineer, Rural Works Department, Works Division, Sasaram. In relation to misappropriation of public money the aforesaid FIR has been registered against the petitioner and other persons.

4. The FIR was registered in 2017 and in 2023 this application has been filed under Section 482 of the CrPC for



quashing the FIR. Further, on perusal of the FIR, I find that based on allegation contained therein, a cognizable offence is made out against the petitioner.

5. Learned counsel for the petitioner has submitted that in relation to the same transaction a departmental enquiry was initiated against the petitioner in which he has been exonerated and, therefore, the FIR deserves to be quashed.

6. The said submission is not acceptable for the reason that the departmental proceeding and criminal cases are decided based on the evidence adduced during the said proceedings both of which are independent of each other. Exoneration in the departmental proceeding cannot be a ground for this Court to quash the FIR itself.

7. This application seeking quashing of the FIR is thoroughly misconceived and is dismissed accordingly.

(Chakradhari Sharan Singh, J)

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