

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6898 of 2018

Arising Out of PS. Case No.-103 Year-2016 Thana- RAJPUR District- Buxar

-
1. Kanchan Pandey @ Kanchna Pandey W/o Subhash Rai
 2. Subhash Rai @ Subash Rai, S/o Late Rup Nath Rai, Both resident of Village- Sikroul, P.S.- Rajpur, District- Buxar.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Parmanand Kumar Block Education Officer Chouse, Buxar, S/o Not known, R/o Village- Kaith Toliya Bhimpatti, P.S.- Karnamepur, P.S.- Sahpur, District- Bhojpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amresh Kumar Mr. Rabindra Kumar Mr.Digvijay Kumar Ojha
For the state	:	Mr.Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 08-08-2023 Counter affidavit filed on behalf of the State in taken on record.

2. Heard learned counsel for the petitioners and learned APP for the State.

3. The present application has been filed for quashing order dated 13.10.2017 passed by the ACJM, VII, Buxar in connection with Rajpur P.S. Case No. 103/16 registered for the offences under Sections 420/406/409 of the Indian Penal Code whereby and whereunder cognizance has been taken under Sections 420/406/409/34 of the Indian Penal Code.

4. Petitioner No. 1 is the Headmistress of the S.C. Primary School at Sikroul, Buxar and the petitioner No. 2 is the husband of the petitioner No. 1.

5. As per the F.I.R, out of the 5 bags of rice of Mid-



day Meal Scheme, two bags were seized from the house of the petitioners and on query, it transpired that three bags have been sold to one Imteyaz Ahmad by the petitioner No. 2.

6. Learned counsel for the petitioners submits that it is an admitted position that the petitioner has been exonerated in the departmental proceeding on the same charges.

7. I have considered the submissions of the parties and also perused the materials available on record including the F.I.R.

8. Considering the aforesaid facts of this case and also considering the law laid down by the Hon'ble Supreme Court in the case of *Ashoo Surendranath Tiwari Vs. Deputy Superintendent of Police, Eow, CBI and Anr.* reported in *(2020) 9 SCC 636*, the prosecution is not permissible.

9. In view of the above, the order dated 13.10.2017 passed by the ACJM, VII, Buxar in connection with Rajpur P.S. Case No. 103/16 whereby and whereunder cognizance has been taken under Sections 420/406/409/34 of the Indian Penal Code are hereby quashed.

(Sandeep Kumar, J)

Saif/-

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

