

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1029 of 2012

Arising Out of PS. Case No.-83 Year-2010 Thana- PATNA GRP CASE District- Patna

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1. Srimant Balasaheb Patil, Son of Balasaheb Patil, Chairman & Managing Director, Athani Farmers Sugar Factory Ltd.
 2. Balasaheb Tatyasaheb Patil, son of Tatyasaheb Patil, Sales Executive, Athani Farmers Sugar Factory Ltd.
 3. Amit Mohan Jadhav, son of Mohan Jadhav, Assistant Accountant, Athani Farmers Sugar Factory Ltd. All residents of Vishnuanna Nagar, P.O. Navalihal- 591234, Taluka Athani, District- Belgaum, Karnataka.

... .. Petitioner/s

Versus

1. The State Of Bihar Through S.P. Rail
2. The Union of India through Assistant Commercial Manager E.C. Railways, Danapur, Patna.
3. Sri. S.S. Mishra, Assistant Commercial Manager, E.C. Railways, P.S- Khagaul, District- Patna

... .. Respondent/s

Appearance :

For the Petitioners	:	Mr. Lakshmi Kant Sharma, Advocate
For the Respondents	:	Mr. Deepak Kumar, AC to GP4, APP
For the U.O.I	:	Mr. Manoj Kr. Singh, CGC
		Mr. Ankit Kumar Singh, JC to CGC

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

13 21-02-2023 Heard learned counsel for the petitioners and learned
APP for the State.

This application has been filed for quashing the F.I.R
i.e. G.R.P Bakhtiarapur (Fatuah) P.S. Case No. 83 of 2010 for the
offences under Sections 420, 406, 34 of the Indian Penal Code.

For the same occurrence, a claim case has been filed
by the petitioners which is pending in the Railway Claims
Tribunal, Mumbai Bench, Mumbai vide Application No. O.A.
(i) MCC/2012/0001 of 2012.



Learned counsel for Union of India does not deny this fact. The very basis for prosecution of the petitioners is pending before the Railway Claims Tribunal, Mumbai Bench, Mumbai.

In that view of the matter, it is directed at the prosecution of the petitioners shall be kept in abeyance till the claim case is finally decided by the High Court.

In case the decision of the High Court goes against the petitioners, the F.I.R shall be revived by the court below.

The Union of India is given liberty to inform the court below after the decision of the claim matter in the High Court.

With the aforesaid observation and direction, this application is disposed of.

(Sandeep Kumar, J)

Harsh/

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