

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33200 of 2023

Arising Out of PS. Case No.-96 Year-2023 Thana- SARAI District- Vaishali

-
1. RAMNATH SAH S/o- MAUJELAL SAH Village- Inayatpur Prabodhi at present- Sarai Haat, Ps- Sarai Dist- Vaishali
 2. Chotu Kumar son of Sunil Singh Village- Damodarpur Ps- Sarai Dist- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Pradeep Ghosh son of Late Bimal Ghosh R/o- 64A, Sadanand Road, Ps- Kali Gahat, W.B, At present at verification officer, IP Investigation and Detective service Pvt. Ltd.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar
For the Opposite Party/s : Mr.Rajiv Nayan

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 17-05-2023 Heard learned counsel for the petitioner Shri Anshul
and Learned APP for the State.

This application has been filed on behalf of the
petitioners for quashing the FIR bearing Sarai P.S. Case No. 96
of 2023.

The only ground canvassed by the learned counsel for
the petitioners for quashing the FIR is they are themselves
victim of fraud committed by M/s Katyayini Traders from
whom they had purchased the salt and it is the Katyayini
Traders who had supplied them duplicate salt but Katyayini
Traders has been left out and they are made accused only



because the recovery of duplicate salt was from the shop of the petitioners. This defence of the petitioners cannot be seen by this Court at the Stage of FIR. If the petitioners have this defence then they can approach the I.O. of the case by filing an application with all the supporting documents.

If such an application is filed before the I.O. of the case then the I.O. is duty bound to investigate the matter in light of the application of the petitioners and in case the contention of the petitioners is found to be true then the I.O. can take a decision about submitting the final form in favour of the petitioner.

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

It is clarified that this court has not applied its mind to the documents of the petitioners annexed with the petition but has passed this order only on the contentions raised by the petitioners.

(Sandeep Kumar, J)

Vikas/-

U			
---	--	--	--

