

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8867 of 2022

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Randhir Kumar son of Arun Kumar resident of Mohalla Patel Nagar, P.S.
Sohsarai, District Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
3. Bihar State Food and Civil Supplies Corporation, Government of Bihar, Patna through its Managing Director, Bihar at Patna.
4. Managing Director, Bihar State Food and Civil Supplies Corporation, Government of Bihar, Patna.
5. General Manager, Public Distribution System, Bihar State Civil Supplies Corporation, Government of Bihar, Patna.
6. Deputy General Manager, Transport, Bihar State Food and Civil Supplies Corporation.
7. District Magistrate-cum- Collector-cum- District Chairman, Transport Committee, Nalanda, District Nalanda.
8. Deputy Development Commissioner, Nalanda-cum- Deputy Chairman, District Transport Committee, Nalanda District Nalanda.
9. District Magistrate-cum- Chairman, District Transport Committee, Nalanda, District Nalanda.
10. District Manager, Food and Civil Supplies Corporation, Nalanda, District Nalanda.
11. District Supply Officer, Nalanda, District Nalanda.
12. District Manager-cum- Member Secretary, District Transport Committee, Nalanda, District Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sumeet Kumar Singh, Advocate
For the Respondent/s	:	Mr. S. Raza Ahmad (AAG 5)
		Mr. Alok Ranjan, AC to AAG-5
For the BSFC	:	Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 21-03-2023

In the instant petition, petitioner has prayed for the following reliefs:-

“ I. That the present writ application is being filed in the nature of Certiorari for quashing the letter no. 3286 dated 05.05.2022(Annexure-P/4), issued under the signature of the General Manager, Public Distribution System to the District Manager, BSFC, Nalanda by which direction has been given to register the first information report with regard to the NIT which was issued in the year of 2014-15 by which enquiry has been conducted and found that five insurance paper supplied by the petitioner with regard to his own vehicle is incorrect/forged; the action is contrary to the terms of the NIT (Annexure-P/1), the entire exercise is beyond jurisdiction, there is no benefit of tender ever given to the petitioner, the person who made a complaint has withdrawn his application;

II. That the present writ application is being filed against the nature of Mandamus for a direction to the General Manager, Public Distribution, BSFC, Patna and to the



District Manager, Nalanda not to take any coercive action in relation to the letter no. 3286 dated 05.05.2022 with regard to the NIT which was issued in the year of 2014-15 by which enquiry has been conducted and found that five insurance paper supplied by the petitioner with regard to his own vehicle is incorrect/forged; on the ground that the NIT terms and conditions of 2014-15 does not stipulate for instituting criminal action, the letter issued by the authority is without jurisdiction and exceeding the jurisdiction.

III. And pass any such other order/ orders as this Hon'ble Court deem fit and proper.”

2. From perusal of the records, it is evident that petition is premature insofar as civil action to be taken by the concerned official respondents. Insofar as criminal proceedings, it is speculation that F.I.R. may be registered, is concerned, it is not maintainable. Cause of action would accrue as and when F.I.R is registered, in that event, petitioner is having right to question the validity of the F.I.R. under Section 482 of the Cr.P.C. Moreover, this Court can not interfere in matter curtailing the right of the respondents to initiate criminal proceeding.



3. In the light of these facts and circumstances, the present petition stands disposed of as premature insofar as civil proceedings are concerned and insofar as criminal proceedings are concerned, writ is not maintainable.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

Daya/
Himanshu/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.03.2023.
Transmission Date	NA

