

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6721 of 2018

Arising Out of PS. Case No.-267 Year-2017 Thana- CHANDI District- Nalanda

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Ravi Kant Tiwary @ Murarji Tiwary Son of Akhilesh Tiwary, Resident of Village- Harpur Kothi, P.O.- Panditpur, P.S.- Janta Bazar, District- Chapra, at present reside at Bye Pass, Jaganpura, Brahmpur Road in the House of Asha Devi, P.S.- Ram Krishna Nagar, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : None.

For the Opposite Party/s : Mr.Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 02-02-2023 No one appears on call.

This is an application for quashing the FIR and its proceeding of Chandi P.S. Case No. 267 of 2017 registered for offences under Sections 420, 413, 414/34 of the Indian Penal Code.

As per the prosecution story, the informant upon secret information, on 17.8.2017 that some accused persons are standing to sell motorcycle went along with police party and apprehended Vijay Kumar, Binay Kumar and Ajay Kumar and recovered/seized motorcycle bearing Registration No. BR-045-7189.

Further, upon interrogation, the accused disclosed that all the motorcycles are theft motorcycles which have been taken



from the Patna Traffic Police Constable, Ravi Kant Tiwary, the petitioner herein for selling the same. Accordingly, seizure list prepared and FIR was lodged.

As per the averment made in the petition, the petitioner joined as Constable in Bihar Police in 2000 and after moving to different district came to Patna in 2017 and posted at Patna Traffic Police on deputation.

Pursuant to the lodging of the FIR, he was arrested from his home on 18.8.2017. The further submission is that his name transpired in the confessional statement of apprehended accused persons with whom he had no relationship. Further, informant raided his house but nothing incriminating was recovered/seized. The further submission is that the statement that has been recorded in the case diary that he has accepted his guilt is wrong and the police forcibly took his signature on plain paper and prepared a confessional statement, as such, this is a fit case to quash the FIR, so far as the petitioner is concerned.

Learned APP on the other hand submits that all the apprehended persons named him as the person who provided the stolen motorcycles to sell it off. Further, he himself made confessional statement before the police accepting his guilt and in that backdrop, no case for quashing is made out.



Considering the kind of allegation that has come against the petitioner that despite being a police Constable with almost two decades of service, allegation is that he used to take help of the criminals to sell the stolen motorcycle, certainly this is not a fit case for granting relief under Section 482 of the Cr.P.C.

The petition is without merit and is accordingly rejected.

(Rajiv Roy, J)

Ajay Singh/-

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