

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1738 of 2018

Arising Out of PS. Case No.-90 Year-2018 Thana- CIVIL LINE District- Gaya

Abhishek Krishna S/o Radha Krishna Prasad Sinha, age about 40 Years, R/o
Chitragupta Nagar, Pokharia, P.S.- Begusarai, District- Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Department Of Home,
Govt. Of Bihar, Patna and O
2. The Director General of Police, Patna, Bihar.
3. The Senior Superintendent of Police, Gaya, Bihar.
4. The Officer In Charge Civil Lines P.S., Gaya.
5. Sri Surendra Ram, District Welfare Officer, P.S.- Civil Lines, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Girijish Kumar, Adv
For the Respondent/s : Mr.Partha Sarthy Ga 4

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

8 24-02-2023 Heard the parties.

2. This application is filed for quashing the First Information Report of the Civil Lines P.S. Case No. 90/2018 registered on 05.03.2018 under Section 406, 409, 420, 120B and 34 of the Indian Penal code in the District of Gaya, pending in the Court of the Chief Judicial Magistrate, Gaya.

3. The allegation against the petitioner is that petitioner is said to be involved in fraudulent withdrawal of the cheque amount.

4. It has been submitted by the learned counsel for the petitioner that he was the Branch Manager of the concerned



Branch at the time of the F.I.R. and he has no role in the clearance of the Cheque. The cheques are cleared at Centralized Clearing House. Therefore, the petitioner is not at all involved in any offence, it at all it has been committed.

5. The learned counsel for the State and the learned counsel for the respondent/informant have not been able to deny the aforesaid facts.

6. It seems that the prosecution of the petitioner is mala-fide and no offence is made out against the petitioner and because he is the Branch Manager, he has been unnecessarily harassed by the respondent.

7. Considering the law laid down by the Hon'ble Supreme Court is the case of *State of Haryana Vs. Bhajan Lal, 1992 Supp (1) SCC 335*, this application is allowed. Accordingly, the First Information Report of the Civil Lines P.S. Case No. 90/2018 registered on 05.03.2018 is hereby quashed.

(Sandeep Kumar, J)

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