

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46078 of 2022

Arising Out of PS. Case No.-361 Year-2021 Thana- KALYANPUR District- Samastipur

GAURI KUMARI Wife of Ravi Shankar Singh R/v- Kharsand, P.S-
Kalyanpur, Dist- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Superintendent of Police, Vigilance, Investigation Bureau, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Kaushal Kumar Jha, Advocate
		Mr. Rajiv Ranjan kumar Pandey, Advocate
For the Opposite Party/s :		Mr.Ajay Mishra
For the Vigilance	:	Mr. Rana Vikram, Spl. Vigilance

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 23-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

This application has been filed for quashing of F.I.R
vide Kalyanpur P.S. Case No. 361 of 2021 passed by learned
C.J.M, Samastipur against the petitioner for offences under
Sections 420, 467, 468, 171, 120B of the Indian Penal Code.

Learned counsel for the petitioner has submitted that
petitioner had resigned from her post within period of cut off
date as directed by this Court in C.W.J.C No. 15459 of 2014 but
on the basis of report of the Block Education Officer,
Kalyanpur, Samastipur, the Vigilance Department has proceeded
against her and the present F.I.R vide Kalyanpur P.S. Case No.



361 of 2021 was lodged against her. It has been further submitted by learned counsel for the petitioner that the petitioner had resigned, therefore, she should not be prosecuted unnecessarily.

Mr. Rana Vikram Singh, learned counsel appearing for the Vigilance, vehemently opposed the prayer of the petitioner for quashing of the aforesaid F.I.R. He submits that petitioner was still working but no salary was being paid.

If the petitioner was working without any salary, no criminality can be fastened upon her. The direction passed by a Division Bench of this Court is that the petitioner should submit her resignation within the amnesty period. In these circumstances, prosecuting the petitioner will be very harsh and she is a lady.

In view of the above, this application is allowed and the F.I.R. vide Kalyanpur P.S. Case No. 361 of 2021 passed by learned C.J.M, Samastipur is hereby quashed.

(Sandeep Kumar, J)

Harsh/

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