

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.965 of 2022

Arising Out of PS. Case No.-76 Year-2022 Thana- TIKAPATTI District- Purnia

Priyanka Kumari W/O Gautam Kumar @ D/O Subodh Kumar Mandal
Resident Of Ward No. 12, Tikapatti, P.S.- Tikapatti, District - Purnea.

... .. Petitioner/s

Versus

1. The State Of Bihar Through Principal Secretary Home Dpartment, Bihar
2. The Vigilance Investigation, Bureau, Bihar, Patna, Bihar
3. The Director General Of Vigilane Cell, Bihar, Patna, Bihar.
4. The Superintendent, Vigilance Investigation, Patna, Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Bhola Prasad, Adv.
	:	Mr. Indrajeet Kumar, Adv.
For the Vigilance	:	Mr. Rana Vikarm Singh, Adv.
For the State	:	Mr. Saroj Kumar Sharma, AC to AAG-3.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 17-03-2023

Heard learned counsel for the petitioner, learned
counsel for the Vigilance and learned counsel for the State.

The present Writ petition has been filed for
quashing of the F.I.R. of Tikapatti P.S. Case No. 76 of 2022
dated 30.07.2022, against the petitioner lodged under sections
420, 468, 471, 120(B) of the I.P.C.

Counsel for the petitioner submits that petitioner is
innocent and has committed no offence. He submits that due to
lack of knowledge, the petitioner could not avail the remedy of
general amnesty but after getting information of amnesty later

on, she tendered her resignation on 01.12.2018 to the Secretary of Panchayat Employment Unit and, as per the pleading of the petitioner, she is out of employment and she is not receiving any amount towards her salary. Counsel for the petitioner submits that petitioner has made representation before Superintendent of Police, Purnea on 02.08.2022. Counsel specifically submits that petitioner's date of resignation is 01.12.2018, which is annexed in Annexure-3 and the date of filing F.I.R. is 30.07.2022, after resignation no payment was received by the petitioner but it is also true that the resignation is after the date of acceptance of amnesty scheme.

Counsel for the Vigilance submits that this general amnesty has decided by the Government by the order passed by this Hon'ble Court. The said amnesty scheme was widely circulated in the paper and subsequently extended as well. It was categorically indicated in the said amnesty that in future if wrong has been found, strict legal action shall take place. Even then the petitioner has not opted to do so and only after lodging of F.I.R., she came forward to directly quash the F.I.R.

Counsel for the Vigilance submits that petitioners come in those categories having no respect of law to follow on time, therefore, the petitioner herself opted to choose the way to

face the legal consequences.

Counsel for the State submits that there are series of cases of such type in the State of Bihar, which have made huge loss to the Government exchequer, therefore, it must not be seen liberally at this stage.

Upon going through the submissions and the pleadings, I am not inclined to quash the F.I.R. and therefore, the present Writ Petition is hereby **dismissed**, but liberty is hereby granted to the petitioner that she may raise this plea in this case at the appropriate stage, before the appropriate forum and upon raising it, the same forum shall consider these points.

(Dr. Anshuman, J.)

ashishsingh/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	