

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45509 of 2019

Arising Out of PS. Case No.-961 Year-2018 Thana- FORBESGANJ District- Araria

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1. Amar Kumar Das Son Of Late Bhagwat Lal Das Resident Of Village- Fauzi Colony, Ward No. 4, Forbesganj, P.S.- Forbesganj, District- Araria.
 2. Seema Devi Wife Of Sri Amar Kumar Das Resident Of Village- Fauzi Colony, Ward No. 4, Forbesganj, P.S.- Forbesganj, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sri Manoj Kumar Son of Rajendra Sharma Resident of Village- Bhatwalia, P.S.- Kopa, District- Saran at Chapra, presently posted as The District Agriculture Officer, Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Navjot Yesu
For the Opposite Party/s : Mr. Anish Chandra

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 31-07-2023

1. Heard the parties.

2. This is an application for quashing of the F.I.R. of Forbesganj P.S. Case No. 961 of 2018 dated 14.12.2018 registered against the petitioners for the offences punishable under Section 420/34 of the I.P.C. and Section 7/19 (c)(i)(ii) (vi)/21(a) of Fertilizer Control Order.

3. Learned counsel for the petitioners wants quashing of the F.I.R. on the basis of his defence.

4. Defence material of the petitioners cannot be considered by this Court. Defence can only be considered by the Investigation Agency.



5. In view of the law laid down by Hon'ble Supreme Court in the case of *State of Bihar vs P.P. Sharma 1992 Supp (1) SCC 222* and in view of the law laid down by Hon'ble Supreme Court in the case of *Neeharika infrastructure pvt Ltd. V. State of Maharashtra and others (2020) 10 SCC 118*, this F.I.R. cannot be quashed and the application for quashing the F.I.R. is dismissed.

6. In case the chargesheet is submitted against the petitioners, the petitioners may move this Court at an appropriate Stage.

7. Accordingly, this application stands dismissed.

(Sandeep Kumar, J)

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