

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1162 of 2021

Arising Out of PS. Case No.-441 Year-2021 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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SANJEEV KUMAR S/o- Rabindra Nath Sharma Resident of Mohalla - Club
Road, Mithanpura, P.S. - Mithanpura, District – Muzaffarpur ... Petitioner
Versus

1. THE STATE OF BIHAR THROUGH THE DIRECTOR GENERAL OF
POLICE, BIHAR, PATNA
2. The Superintendent of Police, Muzaffarpur, Bihar
3. The officer - In- Charge, Muzaffarpur town Police Station, Muzaffarpur,
Bihar
4. The Muzaffarpur Municipal Corporation through its Commissioner, Bihar
5. The Commissioner, Muzaffarpur Municipal Corporation, Muzaffarpur, Bihar
6. The Chief Executive officer, Muzaffarpur Municipal Corporation,
Muzaffarpur, Bihar ... Respondents

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Appearance :

For the Petitioner : Mr. Ritesh Kumar, Adv.
For the Respondents : Mr. Seo Shankar Prasad, SC VIII

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 06-04-2023 Counsel for the petitioner is directed to file the
original petition within two weeks.

Heard learned counsel for the petitioner and the State.

The present writ petition has been filed for quashing
of the first information report bearing Muzaffarpur Town P.S.
Case No. 441 of 2021, dated 14.06.2021, instituted under
Sections 120(B), 188, 288, 291, 406, 420, 467, 468 and 471 of
the Indian Penal Code against four accused persons, including
the petitioner.

Counsel for the petitioner submits that from the
contents of the first information report it transpires that the



allegations have been made about preparation of the forged and fabricated documents with intention to cheat the Municipal Corporation on the basis of which above named first information report has been lodged.

Counsel for the petitioner has annexed the documents, Annexures 2, 3 as well as Annexure 4. Annexure 4 is the judgment, dated 17.06.2021, passed by the coordinate Bench of this Court in C.W.J.C. No. 9541 of 2021 in which protection order has been passed in favour of the petitioner and direction has been made to the Commissioner to pass a final order under Section 278 of the Bihar Municipal Act, 2007. A protection has also been made that till passing the final order no coercive steps qua the shops in question will be taken with regard to demolition.

In this background, it transpires to the Court that no criminal action has taken place on the part of the petitioner in this matter. This Court is of the opinion that all such matters must be scrutinized by high police officials and, therefore, this Court directs the petitioner to present all the documents before the Superintendent of Police, Muzaffarpur (respondent no. 2), who shall look into the matter that in which way his Station House Officers are harassing the innocent and genuine person.



It is an unfortunate situation in a welfare State.

The petitioner is directed to represent, either in person or through his Advocate, before the Superintendent of Police, Muzaffarpur (respondent no. 2) within four weeks from today and the Superintendent of Police upon considering all those documents shall take appropriate decision within six weeks from the date of filing of the representation, so that the petitioner and other similarly situated persons may not be harassed and this case may reach to a conclusive end.

Till final decision taken by the Superintendent of Police, no coercive steps shall be taken against the petitioner.

With this observations, this petition is **disposed off**.

(Dr. Anshuman, J)

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