

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76265 of 2019

Arising Out of PS. Case No.-534 Year-2019 Thana- MADHAURAH District- Saran

SHILPI KUMARI D/o Awadhesh Prasad Singh @ Awadhesh Kumar Singh
Resident of Village - Ghataro, P.S.- Lalganj, Distt - Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Ram Niwas Chaudhary Son of Late Sita Ram (Police Inspector Vigilance Investigation Bureau, Patna - cum- Assistant enquiry Officer Niyojit Teacher, Saran) Resident of Village and P.O. - P.S.- Punpun, Distt - Distt - Patna, At present Viigilance Investigation Bureau, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Singh, Advocate
For the State	:	Mr. Ajay Mishra, APP
For the Vigilance	:	Mr. Arvind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 24-03-2023 Heard the parties.

This application has been filed for quashing the Marhowrah P.S. Case No. 534 of 2019 dated 03.08.2019 registered for the offences 420, 467, 468, 471/120(B) of the IPC.

The prosecution story in short is that the present case has been filed against the petitioner and other co-accused named in the FIR on the basis of typed application dated 02.08.2019 under letter no. 338 of one Ram Niwas Chaudhary, Police Inspector Vigilance Investigation Bureau, Patna submitted before S.H.O. of Marhowrah Police Station, Saran stating



therein that in the light of the order passed in C.W.J.C. No. 15459 of 2014 by the Hon'ble Patna High Court Vigilance Department Patna registered Vigilance Enquiry No. 8 of 2015 and appointed District wise enquiry officer by order under Memo no. 2162 dated 22.05.2015.

There is no denying of the fact that the petitioner had resigned within amnesty period and the case has been filed due to mis-communication of the facts of the department of the Vigilance.

In these circumstances, the prosecution of the petitioners is illegal and therefore the F.I.R. of Marhowrah P.S. Case No. 534 of 2019 dated 03.08.2019 is hereby quashed.

This application stands allowed.

(Sandeep Kumar, J)

Shishir/Vikas

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