

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4178 of 2022

Arising Out of PS. Case No.-222 Year-2015 Thana- RUPASPUR District- Patna

Mohd. Ali Zinnah S/O Md. Zakir R/O Village- Churamba, Post- Munger, P.S.-
Kotwali, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Niranjana Kumar, Advocate

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
CAV JUDGMENT

Date : 09-07-2024

1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner has filed the instant application
praying for quashing the F.I.R being Rupaspur P.S. Case no. 222
of 2015 registered under sections 420 and 34 of the Indian Penal
Code.

3. As per the prosecution case based on the written
report of one Satyendra Sharma, an Officer in the BMP-10 at
Patna alleges *inter alia* that pursuant to his selection as a
constable against Advertisement no. 1/2014, on an inquiry
conducted by the Central Selection Board it transpired that there
was difference in the signature and the left thumb impression of
the petitioner on his application and which he had given at the
time of his written examination. On being put questions which



had been asked in the written examination, it transpired that the knowledge of the applicant-petitioner was much below the average. The applicant-petitioner accepted in writing that he had not appeared instead it was someone else who had written the written examination on his behalf as a result of which he had succeeded. In view of these facts, the informant requested that an F.I.R be registered.

4. On the basis of the written complaint filed by the informant, as stated above, the F.I.R being Rupaspur P.S. Case no. 222 of 2015 was registered making the petitioner as the named accused therein.

5. It was submitted by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case. He has not committed any offence and has been made an escape goat. The members of the Inquiry Committee are not handwriting experts. The informant has illegally taken steps for cancellation of the petitioner's appointment. The petitioner was dismissed from service. The order of dismissal on being challenged by the petitioner in CWJC no. 15003 of 2016 was set aside by the Patna High Court. It is finally submitted that the F.I.R being malicious, filed for wreaking vengeance in view of private and personal grudge,



the same ought to be quashed.

6. The application is opposed by learned APP for the State who submits that besides the offence being made out against the petitioner from the contents of the F.I.R, the instant application has been filed in the year 2022 for quashing the F.I.R of the year 2015.

7. Having heard learned counsel for the parties and having perused the material on record, especially the contents of the F.I.R, it transpires that *prima facie* offence under various sections of the Indian Penal Code is made out against the petitioner. The petitioner has not made out any case for quashing of the F.I.R and as such the Court finds no merit in the instant application.

8. The application is dismissed.

(Partha Sarthy, J)

Harsh/-

AFR/NAFR	NAFR
CAV DATE	9.5.2024
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