

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35274 of 2016

Arising Out of PS. Case No.-3 Year-2015 Thana- PANAPUR District- Saran

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Tanu Singh Son of Late Ram Ekbal Singh Resident of village and P.O.-
Dhenuki, P.S. Panapur, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Harendra Singh son of Sri Ram Nigah Singh Resident of village and P.O.-
Dhenuki, P.S. Panapur, District- Saran at Chapra.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Anita Kumari, Advocate

For the Opposite Party/s : Mr. Arun Kr.Singh-5, APP

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

21 04-09-2024 The petitioner has approached this Court under

Section 482 of the Cr.P.C. praying for quashing of the F.I.R. of

Panapur P.S. Case No.03 of 2015 dated 05.01.2015 instituted on

the basis of an order passed under Section 156(3) of Cr.P.C.

upon a complaint filed by the opposite party no.2 in the Court of

the learned Chief Judicial Magistrate, Saran at Chapra for the

offence punishable under Sections 467, 468, 471, 420, 409 and

120(B) of the Indian Penal Code.

2. Indisputably, both the petitioner and the opposite

party no.2 were candidates for the post of Chairman of Primary

Agriculture Credit Cooperative Society, (PACCS), Dhenuki . In

the said election, the petitioner was elected as Chairman.



Subsequently, the opposite party no.2 lodged an Election Petition before the Registrar, Cooperative Societies under Section 48 of the Cooperative Societies Act challenging the said election on the ground that the petitioner illegally entered about 48/49 names in the voter list and with the help of the said voters office scam, he was elected by practicing fraud and malpractice. The said application was allowed by the Registrar of the Cooperative Society. The said order was challenged by the petitioner before this Court filing CWJC No.24467 of 2018, the said writ petition was allowed by setting aside the impugned judgment passed in Election Dispute Case No.323 of 2014 by the Deputy Registrar (Headquarter), Cooperative Societies, Bihar, Patna and the petitioner was restored to his position as the Chairman of the said Cooperative Society.

3. The criminal case was instituted under Section 467, 468, 471, 420, 409 and 120(B) of the I.P.C. against the petitioner and others. The case diary is produced.

4. I have perused the case diary.

5. Firstly, there is no allegation in the F.I.R. as well as no material could be collected by the Investigating Authority in support of the allegation under Section 420/409 I.P.C. With regard to the offence under Section 467, 468 and 471 of the



I.P.C., this Court finds that the aforesaid panel provision is applicable in case of forgery of documents and using of forged document as genuine.

6. It is contended by the opposite party no.2 that the petitioner introduced some names of voters falsely in the voter list. No document is produced by the complainant or would be collected by the investigating agency to show that certain false document was used as genuine document and name of some persons, who are not eligible voters were included in the voter list.

7. The learned A.P.P. for the State has placed before this Court that the Investigating Officer could identify several persons of the same family as voters in the said election.

8. It is submitted in reply by the learned Advocate for the petitioner that the Block Development Officer also can included the name of the eligible voters in the voter list of the Cooperative Society in exercise of power under Rule 7 of Bihar Cooperative Societies Rule, 1959.

9. Be that as it may, the issue as to whether, the names of some false persons were included in the voter list or not has been conclusively decided in CWJC No.24467 of 2018, after such decision by this Court, I am of the view that the criminal



case is not maintainable.

10. It is also to be noted that the case was registered on 05.01.2015 and till date, the Investigating Officer has failed to submit any report in final form against the petitioner or any other accused persons in connection with Panapur P.S. Case No.03 of 2015.

11. Taking into consideration all the aspects of the matter, this Court finds that the instant criminal miscellaneous case is required to be allowed. Accordingly, the application under Section 482 of the Cr.P.C. is allowed on contest, however, without cost.

12. The criminal case being Panapur P.S. Case No.03 of 2015 dated 05.01.2015 be quashed.

(Bibek Chaudhuri, J)

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