

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53222 of 2023

Arising Out of PS. Case No.-278 Year-2023 Thana- JAGDISHPUR District- Bhagalpur

Shankar Prasad Pal @ Shankar Pal, S/o Jagat Narayan Pal, R/o Village- Pal Nagar Ward No. 1, Shobhnathpur, P.S- Kahalgaon, Distt.- Bhagalpur, presently working as Junior Engineer at N.T.P.C Kahalgaon, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sri Ashok Kumar Mandal, The Circle Officer, Jagdishpur Block, P.S- Jagdishpur, District- Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ranjan Kumar Jha, Advocate
For the Opposite Party/s :	Mr. Nitya Nand Tiwary, APP
	Mr. Rana Pratap Singh, Advocate
	Mr. Satya Veer, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
CAV JUDGMENT

Date : 11-07-2024

1. Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner has filed the instant application praying for quashing the F.I.R being Jagdishpur P.S. Case no. 278 of 2023 registered on 21.6.2023 for offence under sections 467, 468, 420 and 34 of the Indian Penal Code.

3. The prosecution case as per the letter no.1518 dated 21.6.2023 written by the Circle Officer, Jagdishpur, Bhagalpur to the Officer-In-charge, Jagdishpur, Bhagalpur alleges *inter alia* that with respect to the land measuring an area of 0.460



hectare and appertaining to *Khata* no.395, *Khesra* no.1556 in Survey Ward no.5 (Adampur), there was interpolation in the *khatian* register in Circle Office, Jagdishpur and the name of Mahadev Mandal was inserted. In the relevant register of the office of the Municipal Corporation, Bhagalpur as also in the District archives the name of Nawal Kishore Singh is mentioned. On an application having been filed by Dr. Nawal Kishore Singh pointing out the said interpolation, the District Magistrate, Bhagalpur constituted a committee to conduct an inquiry into the same. The three member Inquiry Committee submitted its report dated 5.6.2023 stating therein that the relevant pages of the *khatian* register and *Jamabandi* Register-II have been changed. It was stated that Mahadev Mandal whose name had been interpolated, his heir Shankar Prasad Pal (petitioner herein) had also obtained a copy of the documents and had filed an Application no.92698/2022-23 in the Circle Office, Jagdishpur for substituting his name. The employees of the offices were also involved in the interpolation. As such, it was directed that the F.I.R be registered under the appropriate sections.

4. On the letter dated 21.6.2023 of the informant-Circle Officer, Jagdishpur the F.I.R being Jagdishpur P.S. Case



no. 278 of 2023 was registered. After investigation, charge-sheet was submitted in the case.

5. It is submitted by learned counsel appearing for the petitioner that the petitioner has been falsely implicated in the case only for the reason that he happens to be the grandson of Mahadev Mandal who had got the land in question by virtue of a *hukumnama*. The grandfather of the petitioner started paying land revenue and was being granted receipt for the same from the year 1989-1990. The father of the petitioner having died, the petitioner filed an application for mutation of his name which was registered as Mutation Case no.92698/2022-23. Dr. Nawal Kishore Singh filed an objection on 16.5.2023 claiming that he got the land by virtue of an absolute sale deed dated 4.4.1962 purchased from one Hirendra Nath Bose and also on the basis of the judgment and decree dated 7.8.1973 passed in Title Suit no.106 of 1967/30 of 1971. It is thus submitted that registering of an F.I.R against the petitioner and continuance of the criminal proceeding is an abuse of the process of the Court as the matter is to be decided in a mutation case which is already pending. No offence is made out against the petitioner and as such the F.I.R be quashed.

6. The application is opposed by learned A.P.P. for the



State. It is submitted by learned counsel appearing for the State that pursuant to a complaint filed by Dr. Nawal Kishore Singh that a three member committee was constituted which after conducting inquiry has submitted their report on the basis of which the instant F.I.R has been registered. It is further submitted that so far as the other points raised by the petitioner are concerned, the same are by way of defence of the petitioner which cannot be looked into at this stage.

7. It may be stated here that the Hon'ble Supreme Court in the case of **Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra & Ors. [(2021) 19 SCC 401]** has held that the Court cannot thwart the investigation and inquire into the genuineness of the allegations. In its judgment in the case of **Superintendent of Police, CBI & Ors. vs. Tapan Kumar Singh [(2003) 6 SCC 175]** the Hon'ble Apex Court held that the F.I.R is not an encyclopedia which must disclose all facts and details relating to the offence reported. In the case of **State of Kerala & Ors. vs. O.C. Kuttan & Ors. [(1999) 2 SCC 651]** it was held that the Court ought not to embark upon an inquiry as to reliability or genuineness or otherwise of the allegations and the power to quash a criminal proceeding is to be exercised very sparingly.



8. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the F.I.R as also the judgment of the Hon’ble Supreme Court as referred to herein above, the Court is of the opinion that the genuineness of the allegations cannot be looked into by the Court at this stage.

9. In view of the facts and circumstances stated herein above, the Court finds no merit in the instant application and the same is dismissed.

10. So far as the other points raised on behalf of the petitioner are concerned, the petitioner will be at liberty to raise the same at an appropriate stage in course of trial which, as and when raised, shall be considered by the learned trial Court in accordance with law.

(Partha Sarthy, J)

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AFR/NAFR	
CAV DATE	27.06.2024
Uploading Date	11.07.2024
Transmission Date	

