

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81183 of 2023

Arising Out of PS. Case No.-146 Year-2023 Thana- BELA District- Sitamarhi

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YOGENDRA RAM S/O LATE RAM CHARITRA RAM R/O AT AND P.O. SAHBAJPUR, P.S. - RIGA, DISTRICT - SITAMARHI, AT PRESENT POSTED AS PANCHAYAT SECRETARY AT GRAM PANCHAYAT RAJ RUNNI SAIDPUR, BLOCK - RUNNI SAIDPUR, P.S. - RUNNI SAIDPUR, DISTRICT - SITAMARHI

... .. Petitioner/s

Versus

1. The State of Bihar
2. THE BLOCK PANCHAYAT RAJ OFFICER (BPRO), BLOCK - PARIHAR, P.S. - BELA, DISTRICT - SITAMARHI
3. THE IN-CHARGE (SHO) POLICE STATION BELA, DISTRICT - SITAMARHI

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sita Ram Prasad, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 01-02-2024 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.
2. The present quashing application has been filed seeking quashing of the part of the FIR being Bela P.S. Case No. 146 of 2023, dated 22.06.2023 instituted under Sections 406, 409, 420 and 34 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that petitioner is the Panchayat Secretary and it is alleged in the FIR that the petitioner issued cheque when the payments were to be made through PFMS. Learned counsel next submits that the FIR has been instituted in haste by the authorities for reasons best known, thereafter the learned counsel draws the attention of the Court to



Annexure P/4 to submit that the monitoring authority of the petitioner has issued prapatra 'Kha' wherein it has been recorded that the expenditure made was correct.

4. Learned A.P.P. for the State submits that if what has been submitted by the learned counsel for the petitioner is true in that event he should bring these facts to the notice of the concerned Superintendent of Police so that the police holds a fair investigation.

5. Learned counsel for the petitioner, at this stage, submits that the petitioner would be satisfied in the event if the quashing application is disposed of with a direction to the petitioner to file a representation which shall be considered by the police during the course of investigation.

6. Considering the submissions made by the learned A.P.P. for the State, the Court is not inclined to entertain the quashing application, thus, the same is dismissed.

7. However, the petitioner would be at liberty to file a representation before the concerned Superintendent of Police bringing to his notice the facts pleaded in the quashing application and also his submissions as recorded in the order hereinabove.

8. The Court expects that the police will hold a fair investigation.

(Satyavrat Verma, J)

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