

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.443 of 2023

Arising Out of PS. Case No.-390 Year-2021 Thana- JAGDISHPUR District- Bhagalpur

Nilam Kumari W/o Jitendra Prasad Sinha @ Jitendra Kr. Singh @ Jitendra Kumar Singh R/o Mohalla- C/o Sarla Devi Ahmad Ali Lane, Sikandarpur, Mirjanhat, P.S.- Mozahidpur, Distt- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Health Department, Govt. of Bihar, Patna. Bihar
2. The Divisional Commissioner, Bhagalpur. Bihar
3. The District Magistrate, Bhagalpur. Bihar
4. The Regional Additional Director, Health Services, Bhagalpur Division. Bihar
5. The Civil Surgeon cum Chief Medical Officer, Bhagalpur. Bihar
6. Incharge Medical Officer, Primary Health Center, Jagdishpur, Bhagalpur. Bihar
7. Inspector (Thana Incharge), Jagdishpur Thana, Jagdishpur, Bhagalpur. Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sandeep Patil, Advocate
For the Respondent/s : Mr. Chandra Shekhar Singh, AC to GA-10

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 07-01-2025 The petitioner is a retired ANM of the Health Department, Government of Bihar. After her retirement on superannuation on the allegation that she did not received pension, gratuity and other emoluments in accordance with law, she made a representation before the District Magistrate, Bhagalpur. Under the intervention of the District Magistrate, Bhagalpur she got pensionary relief in part.

2. It is the case of the petitioner that out of retaliation the Incharge, Medical Officer, Primary Health Centre,



Jagdishpur, namely, Dr. Ashutosh Kumar lodged a false criminal case vide Jagdishpur P.S. Case No.390 of 2021 dated 26.11.2021 under Sections 341, 323, 353, 504/34 of the Indian Penal Code. The petitioner has approached this Court to quash the F.I.R. filed by the said Dr. Ashutosh Kumar.

3. It is submitted by the learned counsel for the State that in connection with the aforesaid Jagdishpur P.S. Case No.390 of 2021, police already submitted charge sheet against the petitioner on 14.05.2022. The petitioner did not filed any application either in the form of a fresh writ petition or in the form of an Interlocutory Application praying for quashing the charge sheet filed against her in connection with the above mentioned case.

4. Thus, when charge sheet has been filed against the petitioner after due investigation instituted on the basis of the F.I.R. in question, the F.I.R. alone cannot be quashed as prayed by the petitioner in the instant writ petition.

5. Accordingly, the writ petition being entirely misconceived is dismissed on contest.

(Bibek Chaudhuri, J)

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