

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.302 of 2022

Arising Out of PS. Case No.- Year-0 Thana- District- Vaishali

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1. Virendra Kumar Singh, Son Of Late Nageshwar Singh R/O Naka No. 3, Lalganj Road, Devraj Path, Ajit Colony, P.S.- Sadar, Hajipur, District- Vaishali
 2. Dharamshila, Wife Of Virendra Kumar Singh R/O Naka No. 3, Lalganj Road, Devraj Path, Ajit Colony, P.S.- Sadar, Hajipur, District- Vaishali
 3. Ravi Kumar Singh, Son Of Virendra Kumar Singh R/O Naka No. 3, Lalganj Road, Devraj Path, Ajit Colony, P.S.- Sadar, Hajipur, District- Vaishali

... .. Petitioner/s

Versus

1. The State Of Bihar, Through Home Secretary, Bihar, Patna Bihar
2. The Director General Of Police, Bihar, Patna Bihar
3. The Inspector General Of Police (Economic Offence Unit), Bihar, Patna Bihar
4. The Deputy Inspector General Of Police (Economic Offence Unit), Bihar, Patna Bihar
5. The Additional Director Of Police, (Economic Offence Unit), Bihar, Patna Bihar
6. The Superintendent Of Police, Economic Offence Unit, Bihar, Patna Bihar
7. The Additional Chief Secretary, Finance Department, Bihar, Patna Bihar
8. The Superintendent Of Police, District- Vaishali Bihar
9. The District Magistrate, Vaishali Bihar
10. Sahara India through its Zonal Manager. Sahara India Bihar, Boring Road Chauraha, Patna
11. Regional Manager Sahara India, Gandhi Ashram, Hazipur, Vaishali
12. Security and Exchange Board of India, 3rd Floor ,Gandhi Maidan Udyog Bhawan, Gandhi Maidan, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Priyank Deepak, Advocate



For the Respondent No. 12: Mr. Pradeep Kumar, Sr. Advocate
Mr. Sanjay Kumar Sinha, Advocate
Mr. Sushant Praveer, Advocate
For the Respondent No.s 3 to 6: Mr. V. N. P. Sinha, Sr. Advocate
Mr. Vijay Anand, Advocate
For the State : Mr. Md. Fazle Karim, AC to SC-1
For Respondent No. 10 : Mr. Kundan Kumar, Advocate
Mr. Manish Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

- 6 28-03-2025 1. The petitioners have approached this Court under Article 226 of the Constitution of India, alleging Police inaction by not registering an F.I.R. against Sahara India Limited and its agent for non-payment and alleged misappropriation of certain amount after the maturity period which the petitioners deposited in his name and also in the name of his wife and son.
2. It is stated by the petitioners that the total maturity amount in different Schemes floated by Sahara India Limited is Rs. 5,84,836/-.
3. It is contended on behalf of the petitioners that the petitioners lodged the complaint on 17th of April, 2021, but in the original complaint, the date was not written. In the typed copy, the date is mentioned, which does not correspond with the original Annexure-P/6. A translated copy of a document must contain true and genuine replication of the original document. Some insertion in the original complaint amounts to creation of a forged document. Learned Advocate on record on behalf of the petitioners is seriously cautioned and if such lapse occurs in



future, serious consequence shall follow.

4. Be that as it may, it is the grievance of the petitioners that the petitioners made out a case of criminal misappropriation and cheating against Sahara India Limited as well as the agent of the said concern, but police did not make any attempt to lodge F.I.R. on the basis of the information submitted by the petitioners.

5. In reply, the learned Sr. Advocate appearing on behalf of the Securities and Exchange Board of India (SEBI) refers to its counter affidavit and takes me to paragraph nos. 24 and 25 of the said counter affidavit.

6. It is contended on behalf of the SEBI that Credit Cooperative Societies do not come under the regulatory purview of SEBI. These Cooperative Societies fall under the ambit of Ministry of Agriculture and Farmers Welfare. Accordingly, the complaints / claims pertaining to these Cooperative Societies received by SEBI were forwarded to the Ministry of Agriculture and Farmers Welfare, Government of India. It is also submitted by the learned Sr. Advocate that the matter was decided by the Hon'ble Supreme Court in I. A. No. 56308 of 2023 in W.P. (C) No. 191 of 2022 (Pinak Pani Mohanti v. Union of India & Ors.) and in the matter of Union of India through Ministry of



Cooperation The Hon'ble Supreme Court formed a Commission under the Chairmanship of a former Judge of the Hon'ble Supreme Court and directed entire money of Sahara India Limited collected in the name of Credit Societies to the Commission for disbursement of the matured amount to the genuine claimants. The Commission opened a portal for filing application for disbursement of the amount.

7. In reply, the learned Advocate for the petitioners submits that the petitioners filed application through the official portal of the Commission but he did not receive the said money as yet.

8. The learned Advocate appearing on behalf of Sahara India Limited submits that the petitioners have a liberty to meet the local Office Incharge of Sahara India Limited and he undertakes that all help and assistance will be rendered to the petitioners for recovery of the money.

9. In view of such circumstances, when a Scheme has been formulated by the Hon'ble Supreme Court and the Scheme is at present working, FIR for committing offence under the IPC / BNS cannot be registered.

10. However, the petitioners are at liberty to take assistance of the local Office of Sahara India Limited and the



Commission for receipt of the maturity amount which they are entitled to get from the Commission.

11. With the above liberty, the instant writ petition is disposed of.

(Bibek Chaudhuri, J)

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