

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45081 of 2015

Arising Out of PS. Case No.-305 Year-2015 Thana- JAHANABAD District- Jehanabad

Bharti Shukla, W/o Alok Kumar Upadhyay, Hindi Teacher, High School+ 2, Akauna Punpun, Patna, Permanent Address Vill- Nandna, P.O. Bharthu, P.S.- Ghosi, District- Jehanabad, Present Address- Jagdish Bhawan, House No. NY1 N, New Yarpur, Gardanibagh, Thana- Gardanibagh, District-Patna, PIN- 800001

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Indradeo Prasad, Advocate Mr. Sunil Kumar Singh, Advocate
For the State	:	Ms.Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 28-01-2025 The instant petition has been filed under Section 482 of the Code of Criminal Procedure (in short 'Cr.P.C') with a prayer to quash the FIR of Jehanabad P.S. Case No. 305 of 2015 registered under Sections 420, 467, 468, 469, 471 read with section 34 of the Indian Penal Code (in short 'IPC') only against the petitioner.

2. The main grounds taken by the petitioner to assail the FIR of Jehanabad P.S. Case No. 305 of 2015 to the extent of petitioner are that no offence as alleged in the FIR is made out against the petitioner even if the facts of the FIR are taken to be true against the petitioner and in view of the averments made by State in its counter affidavit, the alleged offences of



forgery and cheating are not made out and there are sufficient materials to substantiate the petitioner's grounds and the FIR registered against the petitioner is completely abuse of the process of the law. Learned counsel submits that the FIR of Jehanabad P.S. Case No. 305 of 2015 was registered in following with the direction given by this court in CWJC No. 15459 of 2014 which was filed by some persons relating to public alleging therein that the mark-sheets and certificates of STET of the employed teachers were used by them in two different districts for getting two appointments simultaneously on the post of teacher and thereby caused a financial loss to the State government and got wrongful gain by doing same service at two different places during the same period but so far as the matter of petitioner is concerned, she did not commit any wrong though, she was selected in two districts first in Jehanabad and subsequently in Patna but the petitioner was initially selected in Jehanabad district on the post of Hindi Teacher and an employment letter for that post was issued on 12.12.2013 in following which the petitioner joined on that post in Jehanabad district at High School, Sonwa on 10.01.2014 and thereafter, she was selected in Patna district at Akauna on the same post of Hindi Teacher regarding which an appointment letter was issued



on 04.02.2014 and the petitioner was directed to join on the said post within seven days after receiving of the appointment letter. Thereafter, the petitioner filed a petition in the office of the Headmaster of Sonwa High School, Jehanabad with a prayer to relieve her from the said post and her application was accepted, accordingly, she was relieved and only thereafter, she joined at Akauna High School situated in Patna district, so, if all these facts are taken into consideration, no offence has been committed by the petitioner and by filing supplementary affidavit, the petitioner has produced all the relevant papers concerned to her both appointments such as relieving letter, first and second appointment letters etc. vide Annexures to supplementary affidavit.

3. Learned counsel appearing for the State accepted the aforesaid submissions made by the petitioner's counsel and he has pointed out the paragraph nos. 4, 5, 6 and 7 of the counter affidavit and he fairly accepts that at the first posting place, the petitioner was officially relieved on her application and on that post, she did not get any monetary benefit.

4. Heard both the sides and perused the relevant materials including the case diary of Jehanabad P.S. Case No. 305 of 2015. In view of the averments made in the counter



affidavit, it is clearly evident that the petitioner was initially selected on the post of Hindi Teacher in Jehanabad district and posted at High School, Sonwa and thereafter, she was selected in Patna district and posted at High School, Akauna and after the said selection, she was officially relieved from Sonwa High School in Jehanabad and only thereafter, she joined at Akauna High School in Patna district and all these facts have been accepted by the State in its counter affidavit and it is also an undisputed fact that the petitioner did not receive any monetary benefit from the first appointment and in this regard, annexures filed by the petitioner with the supplementary affidavit are relevant. In the light of these materials and above submissions advanced by the petitioner's counsel, none of the offences of the FIR is even *prima facie* make out against the petitioner, as neither the prosecution has alleged that the petitioner made a false document dishonestly or fraudulently with any of the objects mentioned in the Section 463 of I.P.C nor there is any *prima facie* material to show the making of false document with any of the objects of forgery and it is an admitted position that no wrongful loss has been caused to the State Government by the petitioner on account of the alleged act nor any wrongful gain has been received by the petitioner, so, the investigation which is still running against the petitioner since 2015 is completely an abuse of the



process of law and petitioner is a lady and has suffered a lot, hence, this court finds substance in the petitioner's prayer, so, the entire criminal proceeding having arisen against the petitioner owing to the FIR of the Jehanabd P.S. Case No. 305 of 2015 is hereby quashed only to the extent of petitioner. It is clarified that the investigation in respect of co-accused of Jehanabad P.S. Case No. 305 of 2015 will not be affected by this order.

(Shailendra Singh, J)

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