

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44403 of 2023

Arising Out of PS. Case No.-298 Year-2022 Thana- MAHESHKHUNT District- Khagaria

RAJEEV KUMAR Son of Sri Ramkrishna Das R/o Mohalla - Bhirkhi Mission Road, Ward No.- 25 (Beside Patna Drugs Agency), P.S. and District - Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Shushil Kumar Sudhanshu Son of Ram Snehi Ram R/O Village - Chhatapur, P.S.- Chhatapur, Dist.- Supaul Presently posted as Assistant Electrical Engineer, Electric Supply Sub-Division, Gogri, Dist.- Khagaria (851202), North Bihar Power Distribution Company Limited, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh, Adv.
For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ANSUL

ORAL JUDGMENT

Date : 25-06-2026

Heard learned counsel for the petitioner as well as learned APP for the State.

2. The instant petition has been filed on behalf of the petitioner for quashing of the FIR being Maheshkhunt P.S. Case No. 298 of 2022 for the offences punishable under Section 420, 408, 409, 34 of the Indian Penal Code.

3. The prosecution case is based on a letter issued to the Officer In-charge, Maheshkhut by the Assistant Electrical Engineer alleging that an enquiry report was submitted with regard to collection of revenue through V-wallet and it was found that the



petitioner, Junior Account Clerk, Electricity Supply Sub-Division, Gogari had defalcated an amount of Rs. 2,33,512/-. The FIR does not contain any further details.

4. Learned counsel for the petitioner submits that he was the Junior Engineer and he has tried to explain the system that some revenue receipt franchises were appointed through private agencies for making collection of the amount against consumed electricity from consumers in rural area. The said revenue receipt franchise used to make collections from the consumers of rural areas by using Point of Sale (POS) machine and said process of collecting the amount is named v-wallet. It seems that due to erroneous analysis of the cash register the Department arrived at the finding that the petitioner has defalcated the amount. The petitioner through supplementary affidavit has brought on record details of the cash register and claims that there has been no defalcation at all and the calculation of the Department is all erroneous.

5. This Court would not involve itself with the details of the defalcation which seems to be a matter of trial. However, this Court is conscious of the fact that the petitioner is a young person and he has been involved in a case which could have a bearing upon his career.



6. The petitioner has deposited the entire alleged defalcated amount with interest and the receipt of which is at Annexure-5 of this Petition.

7. Mr. Kunal Tiwari, learned counsel for the Electricity Department agrees up to this extent that the petitioner has deposited the defalcated amount.

8. It is to be seen that there is no material suggesting that the act was done knowingly and the petitioner was aware of the defalcation being done. The same may as well be a calculation error either on the part of the Department or the petitioner.

9. Another surprising part of the case is the urgency of the Department to jump toward lodging of the FIR. The version of the petitioner is not being tested by this Court that there was no defalcation as per the records with the Electricity Department. A simple show cause to the petitioner to explain his stand would have clarified the situation and in that situation an FIR could have been justified. Without issuing show cause to a person accused of defalcation on the basis of certain entries in the cash register or any other document is certainly a massive abuse of the processes of the Court. When a person is working in a department certain discrepancies, errors are bound to happen in the long work. All of them could not be addressed and should not be addressed through



lodging of FIR and criminal prosecution. There are ways and means within the Department and departmental rules where such discrepancies could be addressed. Without exhausting that remedy first, the Department has jumped to lodge the FIR which is deprecated. Since there is no loss cause to the Department and the petitioner was never ever given a chance to explain his case as well as the fact that a proper trial could hit the entire career of a young man, this instant application is allowed.

10. Accordingly, Maheshkhunt P.S. Case No. 298 of 2022 for the offences punishable under Section 420, 408, 409, 34 of the Indian Penal Code is hereby quashed, so far as the petitioner is concerned.

(Ansul, J)

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AFR/NAFR	NAFR
CAV DATE	N/A
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