

Rabindra Kumar Verma Petitioner
Versus
The State of Jharkhand & Anr. Opposite Parties

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner :- Mr. R.S. Mazumdar, Sr. Advocate
Mr. Rohan Mazumdar, Advocate
For the State : Mr. Bishambhar Shastri, Advocate.

09/ Dated:-30.11.2023

This petition has been filed for quashing the F.I.R. bearing Dhanbad P.S. Case No. 1056 of 2012, corresponding to G.R. Case No. 4101 of 2012, pending in the Court of learned Chief Judicial Magistrate, Dhanbad.

2. The F.I.R. has been registered on the basis of written report of opposite party No. 2, wherein, it has been alleged that on the basis of letter issued by the Deputy Commissioner, Dhanbad, contained in memo No. 2691/ Go. dated 11.10.12 by the present petitioner, it has been directed that a first information report was instituted against the petitioner.

It has been stated in the said letter that the present petitioner, who is the resident of Temple Road, Manai tand, has been appointed as Member in the Advisory Council by the Ministry of Home Affairs, Government of India and on the basis of the same, a letter was issued by Suranjan Singh, the Under Secretary, Ministry of Home, Affairs Government of India vide letter No-A40320/12, dated 26.7.12, which was faxed in the office of the Deputy Commissioner, Dhanbad and the same was received by the office of the Deputy Commissioner, Dhanbad.

It has been stated in the said letter that since the petitioner has been appointed in the Advisory Council, Ministry of

Home Affairs, Government of Jharkhand, so, he should get the status equivalent to State Minister. The said letter has been annexed with the first information report.

It has been further alleged in the first information report that the petitioner on 22.6.10, wrote a letter to the opposite party No. 2. In that letter, the discussion of the letter issued by the Government of India, Ministry of Home were annexed and on the basis of the same he had asked the D. T. O. to provide Red VIP light to the petitioner.

It has been further alleged that the Deputy Commissioner, Dhanbad thereafter vide letter No 2576/G, dated 1.10.12 in order to verify the letter of the Ministry of Home Affairs, wrote a letter to them regarding the FAX received by his office and when the Under Secretary, Ministry of Home Affairs, Government of India received the said letter of the Deputy Commissioner, then he replied that no such letter has ever been issued by him and the claim made by the petitioner is totally false and the letter that has been faxed to the office of the Deputy Commissioner also false on the basis of such allegation, the present F.I.R. was lodged.

3. Mr. R.S. Mazumdar, learned senior counsel for the petitioner submits that for the same set of occurrence another F.I.R. has been lodged at Delhi which is abuse of process of law.

4. The said argument is being resisted by the learned counsel for the State by submitting that in both the cases allegations are different and the case is made out at Dhanbad also. He submits that chargesheet has also been submitted and cognizance has been taken.

5. In view of above it appears that earlier I.A. No. 8724 of

2018 has been filed challenging order taking cognizance which is still pending. Initially F.I.R. was under challenge in this petition. There are serious allegation against the petitioner for producing forged letter before the Deputy Commissioner, Dhanbad. The cause of action is there at Dhanbad. The learned court looking into the chargesheet took cognizance. There is no illegality in the cognizance order dated 26.03.2018 meant for challenge in I.A. No.8724 of 2018.

6. In that view of the matter no case of interference is made out. Accordingly, this petition is dismissed. I.A. No.8724 of 2018 also stands dismissed.

(Sanjay Kumar Dwivedi, J.)

Satyarthi/-