

**(2011) 10 JH CK 0028**  
**Jharkhand High Court**  
**Case No:** Cr.M.P.No.1662 of 2007

Neyar Alam @ Naiyer Alam  
and.Sarfraz Alam @ Bholu @  
Bhola

APPELLANT

Vs

The State of Jharkhand and Ors

RESPONDENT

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**Date of Decision:** Oct. 10, 2011

**Hon'ble Judges:** Prashant Kumar, J

**Bench:** Single Bench

**Final Decision:** Dismissed

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**Judgement**

Hon"ble Mr.Justice Prashant Kumar

1. This application has been filed for quashing of First Information Report.
2. It is submitted that from perusal of First Information Report, no offence is made out as against the petitioners because he is not the owner of the godown from where alleged rice and wheat seized. It is submitted that actually petitioner gave said godown to Qamrul Haque on rent who kept seized wheat and rice in the said godown.
3. Accordingly, it is submitted that First Information Report be quashed.
4. Having heard the submissions, I have gone through the record. It is well settled that a First Information Report cannot be quashed on the basis of defence accused, which he ought to take and prove during trial.
5. Annexure-2 which happens to be an agreement between the petitioner and one Qamrul Haque is required to be proved during the trial. Under the said circumstances, at this stage, on the basis of said agreement, it is not proper to quash the First Information Report.
6. Accordingly, this application is dismissed.