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Date: 18/10/2025

Neyar Alam @ Naiyer Alam and.Sarfraz Alam @ Bholu @ Bhola Vs The State of Jharkhand and Ors

Cr.M.P.No.1662 of 2007

Court: Jharkhand High Court

Date of Decision: Oct. 10, 2011

Hon'ble Judges: Prashant Kumar, J

Bench: Single Bench

Final Decision: Dismissed

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.