

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.218 of 2015

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Pallavi Kumari @ Ifsha Anjum, wife of Naushad Alam, resident of Mohalla-Gandhi Path, Ward No. 21, Saharsa, P.S.-Saharsa, District-Saharsa, at present residing at B-54, DDA Flat, Mata Sundari Lane, Near Sai Baba Mandir, New Delhi-2.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Main Secretariat, Bihar, Patna
2. The Collector, Saharsa.
3. The Superintendent of Police, Saharsa.
4. The Officer-in-charge, Saharsa Sadar Police Station, District-Saharsa.
5. Atmanand Bhagat, son of Late Sheetal Bhagat, resident of Mohalla-Gokul Chauk of Municipality Office, Ward No. 18, Saharsa, P.S.-Saharsa, District-Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Singh, Advocate

For the Respondent/s : Mr. A. B. Sinha, SC -19

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

4 21-09-2015

In the present writ petition, the petitioner has prayed for quashing the first information report of Saharsa Sadar P.S. Case No. 56 of 2013 as contained in Annexure-5 to the writ petition which was instituted against Naushad Alam, Ashfak Alam, Mumtaz, Bablu Alam and Irshad Alam under Sections

366-A, 295-A, 448, 506, 120-B, 341 and 323/34 of the Indian Penal Code.

A counter affidavit has been filed on behalf of the State wherein it has been stated that the investigation of the case has already been closed. He submits that though the investigating agency had earlier submitted charge sheet against Md. Ashfak Alam and Md. Mumtaz Alam vide charge-sheet No. 31/2013 under Sections 366-A, 295-A, 448, 506, 120-B, 341 and 323 read with 34 of the Indian Penal Code and investigation of the case as against other three accused persons named in the FIR was kept open, subsequently, after recovery of the victim, her statement was recorded under Section 164 of the Code of Criminal Procedure and taking into consideration the statement of the victim, the case as against other accused persons was found to be false. Accordingly, the Superintendent of Police has directed to submit a further report holding the accusation as against the accused persons of the case to be false.

In view of the submissions made by the learned counsel for the State and the averments made on oath in the counter affidavit, learned counsel for the petitioner submits that the since the grievance of the petitioner has already been redressed, the petitioner would not intend to press the

application further.

In that view of the matter, the application is disposed
of as not pressed.

(Ashwani Kumar Singh, J.)

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