

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.426 of 2014

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Kanchan Kumari, wife of Suman Sharma, daughter of Ram Naresh Sharma,
resident of village - Balha, P.S. - Parsauni and District - Sitamarhi.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary (Home) Patna, Bihar.
2. The Director General of Police, Bihar, Patna.
3. The Deputy Inspector General of Police, Muzaffarpur.
4. The Superintendent of Police, Sitamarhi.
5. The S.H.O., Parsauni Police Station, Sitamarhi.
6. Jitendra Kumar (S.I.), Son of not known to the petitioner, the then Investigation Officer, police station- Parsauni, Distt. - Sitamarhi.
7. Suman Sharma, son of Sri Krishna Nand Sharma, resident of village - Barka Goan, Keshri Nagar, P.S. - Karja, Distt. - Muzaffarpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh, Advocate

For the Respondent/s : Mr. Pramod Kumar Singh, AC to SC-12

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 02-02-2015

By filing the present application under Articles 226 and
227 of the Constitution of India, the petitioner seeks a direction to
be issued to the official respondents to immediately arrest
respondent no. 7 who has been made accused in Parsauni P.S. Case
No. 92 of 2011 registered for the offences punishable under

Sections 120B, 323, 504, 498A, 384 and 386 of the Indian Penal Code.

The petitioner is informant of the aforesaid case. The contention of the petitioner is that despite a cognizable offence having been reported to the police, no action is being taken against the respondent no. 7 Suman Sharma.

In my view, the application is thoroughly misconceived. To hold investigation into a criminal case is the statutory right of the police. It is not expected from the police that the moment a report regarding a cognizable offence is reported, the police would mechanically arrest each and every person named in the FIR.

Section 41 of the Code of Criminal Procedure confers power to the police to apprehend a person suspected to be involved in a cognizable offence. However, such power has to be exercised with great care and caution. The arrest of a person depends on the circumstances unfurled in course of investigation. It is well settled that at the stage of investigation, the Court has no role to play.

In view of the above, I find no merit in the present application. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J.)

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