

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.495 of 2014

Arising Out of PS.Case No. -null Year- null Thana -null District- GOPALGANJ

=====

Umapati Prasad S/o Sri Shiv Dayal Prasad, resident of village- Barwa Khurd, P.S.-
Khuchaya Kot, distt.- Gopalganj Petitioner/s

Versus

1.The State of Bihar through the District Magistrate Gopalganj
2.Anand Khusawaha S/o late Gagan Bhagat, resident of village- Barwa Khurd,
P.S.- Khuchaya Kot, distt.- Gopalganj Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate

For the Respondent/s : Mr. Amresh, A.C. to S.C.-11

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 04-02-2015

Heard learned counsel for the petitioner and learned counsel
for the State.

In the present application under Articles 226 and 227 of the
Constitution of India, the petitioner seeks quashing of the first
information report of Khuchaya Kot P.S. Case No.320 of 2013 dated
11.12.2013 registered for the offences punishable under sections 364
and 365 of the Indian Penal Code.

Initially, a complaint was filed which was referred to the
police under section 156(3) of the Code of Criminal Procedure for
investigation pursuant to which a formal FIR was drawn and
instituted.

Learned counsel for the petitioner has pleaded innocence of
the accused persons named in the first information report. He has
submitted that earlier also an FIR was instituted by the wife of the
petitioner which was investigated upon by the police and on

conclusion of investigation a final report was submitted in the court. Immediately, thereafter, the informant has instituted another complaint with allegation of kidnapping of his wife and the said complaint has been referred to the police for investigation pursuant to which the FIR in question has been instituted. He has further submitted that there is a land dispute between the parties and the instant FIR has been instituted with ulterior motive.

Be that as it may, to hold investigation into a cognizable offence is the statutory right of the police. It is well settled that an FIR can be quashed only if the allegations made therein do not constitute any cognizable offence. I have considered the allegations made in the FIR. The allegations made therein do constitute a cognizable offence. In that circumstance, it is for the police to ascertain the veracity of the allegations in course of investigation. This court, sitting in writ jurisdiction, cannot pre-judge result of the investigation of the case.

In that view of the matter, I am not inclined to entertain the present application. Accordingly, it is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

U		T	
---	--	---	--