

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.352 of 2014

1. Kedar Sah Son of Late Raghunandan Sah Resident of Village -
Kaidrabad Naka No. 2, P.S. LN. Mishra University, District - Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar, Through the Director General of Police , Patna
2. The Director Prosecution, Govt. of Bihar, Patna
3. The Superintendent of Police, East Champaran at Motihari
4. The Police Inspector Mehsi Police Station, Distt. East Champaran, at Motihari
5. Suman Kumar @ Prithvi Sagar S/o Prabhu Sah
6. Prabhu Sah @ Mehmanji father's name not Known to Petitioner
7. Smt. Gayatri Devi W/o Prabhu Sah
8. Birju Sah Rakesh Kumar S/o Prabhu Sah Respondent No. 5 to 8 resident of village Mehsi, P.S. Mehsi, District - East Champaran at Motihari

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Amarendra Narayan
For the Respondent/s : Mr. Ashok Kumar Choudhary, AAG 13 & Meera Singh

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH

ORAL ORDER

2 28-01-2015 The petitioner is the informant of Mehsi P.S. Case No. 33 of 2010 dated 16-4-2010 registered for the offences punishable under sections 341, 323, 386, 498A/304(B), 120(B), 201 and 34 of the Indian Penal Code and ¾ of the Dowry Prohibition Act.

On conclusion of investigation, the police submitted a final report under section 173 of the Code of Criminal Procedure

on 26th April, 2010, holding the accusation made in the first information report to be false. During the pendency of investigation, the petitioner had filed a complaint in the form of protest petition.

While accepting the final report by order dated 15th December, 2010, the learned Magistrate directed the protest petition to be instituted as a complaint. Accordingly, Complaint Case No. 21 of 2011 was instituted. The enquiry in terms of sections 200 and 202 of the Code of Criminal Procedure is going on in the said complaint. During the pendency of the enquiry, the present application under Articles 226 and 227 of the Constitution of India has been filed on 22nd April, 2014, seeking a direction from this Court to be issued to the respondents to reinvestigate the aforesaid Mehsi P.S. Case No. 33 of 2010.

In my view, the application is not only misconceived but frivolous too. Accordingly, the application is dismissed.

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(Ashwani Kumar Singh, J)