

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.873 of 2014

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

- =====
1. Sairun Nisha, wife of Md. Hafeez.
 2. Md. Hafeez, son of Late Md. Hanif.
 3. Afshan Nisha, D/o Md. Hafeez.
 4. Shaila Nisha, D/o Md. Hafeez.
 5. Md. Shamshad, son of late Md. Jaisuddin Ansari.
 6. Md. Gufran @ Md. Gufran Hasan, son of Md. Ahmad Hussain Madhav
All resident of Mohalla- Dariyapur, Koeri Tola, P.S.-Pirbahore, District-Patna.
 7. Md. Chand, son of Late Haji Gulam Mohammad
 8. Md. Ekram, son of Late Haji Gulam Mohammad. Petitioner
- Versus

State of Bihar & Anr Respondents

=====

Appearance :

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

For the Respondent/s : Mr. Ram Shankar Das, APP.

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 18-03-2015

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

By filing this application under Articles 226 and 227 of
the Constitution of India, the petitioners seek quashing of the first
information report in Pirbahore P.S. Case No. 14 of 2014 dated
16.01.2014 registered under Sections 341, 323, 307 read with 34 of
the Indian Penal Code and 3(1) (x) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Learned counsel for the petitioners has submitted that it
is an out and out a false case in which the petitioners have been

implicated with ulterior motive. In support of his submission, he has relied on certain documents annexed as Annexure-2 to this application.

The allegations made in the FIR do constitute a cognizable offence. To hold investigation into a cognizable offence is the statutory right of police. At the stage of investigation, it is for the police to see as to whether the allegations made in the FIR are true or false. Once the investigation is over, the investigating agency is duty bound to submit a report before the Court of competent Magistrate under Section 173 of the Code of Criminal Procedure. Once a report under Section 173 of the Code of Criminal Procedure is filed before the Magistrate, it is for the Magistrate to consider the police report and other materials collected by the police in course of investigation and pass appropriate orders in accordance with law. At this stage, the plausible defence of the petitioners cannot be looked into for the purpose of quashing the FIR.

For the reasons stated hereinabove, I find no merit in this application. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

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