

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1038 of 2014

=====

Bhukho Devi wife of Naresh Mahto, resident of village-Sankh Traiya,
Mubarakpur, P.S.-Muffasil, District-Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Begusarai.
2. Superintendent of Police, Begusarai.
3. Officer-in-charge Police Station Mahila Thana, Begusarai.

.... Respondent/s

=====

Appearance :

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

For the Respondent/s : Mr. P.K.Verma, A.A.G.-5

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 02-04-2015 The petitioner is informant in Begusarai Mahila Thana

P.S. Case No.32 of 2013 registered under sections 376, 511, 448
and 506 read with 34 of the Indian Penal Code.

In this application filed under Articles 226 and 227 of
the Constitution of India, the petitioner has prayed for issuance of
mandamus upon the respondents to immediately arrest the accused
persons named in the FIR of the aforesaid case.

In my view, the application is misconceived. To hold
investigation into a cognizable offence is the exclusive jurisdiction
of the police. Section 41 of the Code of Criminal Procedure gives
discretion to the police to arrest a person, who is involved in a
cognizable offence but it does not mean that in all cases instituted

before the police, they would mechanically arrest the person/persons named in the FIR. It depends upon several factors which unfurls in course of investigation. A first information report in respect of a cognizable offence may be true or false.

In that view of the matter, it would not be proper for this Court to issue any direction to any of the respondents to arrest any of the accused named in the FIR.

Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

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