

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.23 of 2015

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

Mostt. Chandeshwari Devi, Wife of Late Ganaur Bind, Resident of Village -
Shaharu, P.S.- Dhanarua, Dist.-Patna Petitioner

Versus

1. The State of Bihar
2. Director General of Police, Bihar, Patna
3. Inspector General of Police (Manavadhikar), Bihar, Patna
4. Deputy Inspector General of Police, Patna
5. District Magistrate, Patna
6. Senior Superintendent of Police, Patna
7. Dy. S.P. Patna
8. Officer - in- charge Dhanarua, P.S. Dhanarua, Dist.-Patna
9. Sri Gopal Prasad, A.S.I. Dhanarua Police Station, Dist.- Patna

... Respondent 1st set

10. Nagendra Singh
11. Ashok Singh, Sons of Late Ram Pravesh Singh
12. Binay Singh, Son of Nagendra Singh
13. Shailendra Singh, Son of Mehi Singh
- All Resident of Village - Shaharu P.S.- Dhanarua, Dist.-Patna
14. Maha Bind, Son of Late Somar Bind
15. Bundela Bind Son of Maha Bind
16. Bharat Bind
- All Resident of Village - Harla, P.S. -Kadirganj, Dist.-Patna

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Rewti Kant Raman, Advocate

For the Respondent/s : Mr. Sandeep Kumar, GA-8

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 03-12-2015

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

By way of the present writ petition, the petitioner seeks a direction to be issued to the respondents to register an FIR on the basis of fardbeyan of Yashoda Devi, the daughter of the petitioner, recorded by the Sub-Inspector of Police, namely, Amrita Rani of Masaudhi Police Station on 11th June, 2014 at Sub-Divisional Hospital, Masaudhi.

It is contended that Dhanarua P.S. Case No. 170 of 2014 dated 11.06.2014 has wrongly been instituted by the police as the petitioner had never ever given any oral statement to the Officer-in-charge of the Police Station.

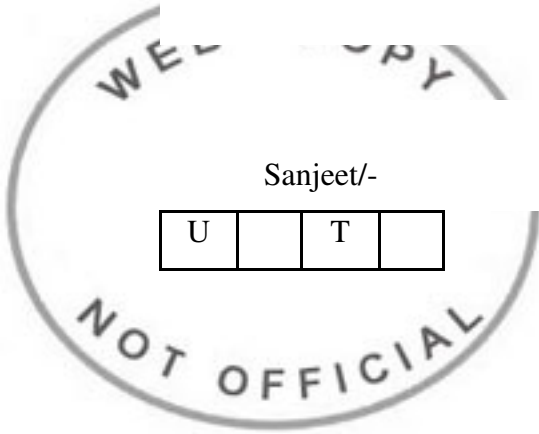
The matter has been contested by the learned counsel for the State. He has submitted that the allegation of the petitioner is absolutely false. For the occurrence which took place on 11th June, 2014 at 9:00 a.m. a criminal case at Dhanarua Police Station vide Dhanarua Police Station No. 170 of 2014 was registered at 9:30 a.m. on the basis of the oral statement of the petitioner in which the petitioner has mentioned that on the same day at about 9:00 a.m., altogether seven persons named in the FIR arrived at her house and began to assault her with *lathi*, stick and *khanti* etc. They also



assaulted her daughters Yashoda Devi and Vishwakarma Devi who had also sustained injuries at the hand of the accused persons. The matter has duly been investigated by the police and in course of investigation, the statements of the witnesses including Yashoda Devi, daughter of the petitioner, has been recorded. The superior police officers have supervised the case and the allegations made in the FIR have been found to be true.

Having heard rival contentions made by the respective counsel for the parties, I do not find any merit in this application in view of the fact that the FIR was registered in June, 2014 and, in case the petitioner had any grievance, she should have approached this Court within reasonable time. However, the present writ petition has been filed almost seven months after the date of institution of the FIR on 7th January, 2015. No reasonable explanation has been given why the writ petition has been filed after six months of the institution of the FIR complaining illegality in institution of the FIR. Furthermore, there is nothing on record to assure that Dhanarua P.S. Case No. 170 of 2014 has been instituted by fabricating record. The subsequent statement of Yasoda Devi, after institution of FIR on the basis of statement of the petitioner would at best be treated as a statement recorded under Section 161(3) Cr. P.C.

The application, being devoid of any merit, is hereby
dismissed.



(Ashwani Kumar Singh, J.)