

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1128 of 2013

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1. Nilu Kumari @ Nilu Devi Wife of Late Harim Verma Resident of Village- Manara, Post- Dharampur, P.S.- Noorsarai, District- Nalanda. At Present- Daughter of Arjun Prasad, Village- Dadupur, P.O.- Bangpur, P.S.- Parwalpur, District- Nalanda

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Director General of Police, Government of Bihar, Old Secretariat, Patna
3. The Inspector General of Police, Patna Range, Old Secretariat, Patna
4. The Superintendent of Police, District- Nalanda at Bihar Sharif
5. The Deputy Superintendent of Police, Sub-Division, Bihar Sharif, District- Nalanda
6. The Thana In-Charge, Noor Sarai Police Station, District- Nalanda
7. The Thana In-Charge, Mahila Police Station, Bihar Sharif, District- Nalanda
8. The Investigation Officer (I.O.) Noor Sarai Police Station, District- Nalanda
9. Brijnandan Prasad Son Of Late Fakira Mahto Resident Of Village- Manara, Post- Dharampur, P.S.- Noorsarai, District- Nalanda. At Present- Daughter Of Arjun Prasad, Village- Dadupur, P.O.- Bangpur, P.S.- Parwalpur, District- Nalanda

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jayram Sharma, Adv.

For the Respondent/s : Mr. Arvind Kumar, A.C. to SC-28

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 09-02-2015 Learned counsel for the petitioner seeks leave to delete the prayers made in paragraph 1-B, C, D and E.

Leave is granted.

By filing the present application under Articles 226 and 227 of the Constitution of India, the petitioner seeks a direction to be issued to the concerned respondents to lodge an F.I.R. for the offence committed by the accused of Complaint

Case No. 864C of 2013 filed on 3rd July, 2013 before the learned Chief Judicial Magistrate, Biharsharif at Nalanda, which was sent by the learned Chief Judicial Magistrate to the Officer-in-Charge of Mahila Police Station for investigation under section 156(3) of the Code of Criminal Procedure.

In my view, the prayer is misconceived. It would be apparent from the record that on the report of the police, learned Chief Judicial Magistrate, Biharsharif, Nalanda vide order dated 25th October, 2013 directed the complaint filed by the petitioner to be kept with the record of Noor Sarai P.S. Case No.215 of 2013. The said order dated 25th October, 2013 is not under challenge. Unless the order dated 25th October, 2013 passed by the learned Chief Judicial Magistrate is set aside, the prayer of the petitioner for instituting an F.I.R. in terms of the order dated 3rd July, 2013 cannot be allowed.

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

(Ashwani Kumar Singh, J)

Pradeep/-

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