

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.411 of 2014

Arising Out of PS.Case No. -63 Year- 2013 Thana -Bounsi District- ARRARIA

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1. Gulsan Ara W/o Guljar Ansari Resident of Village Basaiti, P.S. Bounsi, District Araria.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. The Director General of Police, Govt. of Bihar, Patna.
3. The Inspector General of Police, Purnea Division, Purnea.
4. The Deputy Inspector General of Police, Purnea Division, Purnea.
5. The Superintendent of Police, District Araria.
6. The Deputy Superintendent of Police, Sub Division, Araria.
7. The Officer In-charge, Bounsi Police Station.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ramchandra Jha 'Raman', Adv.

For the Respondent/s : Mr. Ajay GA-12

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 29-01-2015

The petitioner filed a complaint case in the court of learned Chief Judicial Magistrate, Araria. In exercise of powers conferred under section 156(3) of the Code of Criminal Procedure, learned Chief Judicial Magistrate, Araria referred the said complaint to the police for investigation, pursuant to which Baunsi P.S. Case No. 63 of 2013 dated 4th August, 2013 was registered for the offences punishable under sections 366A, 365, 380, 452 and 448 read with 149 of the Indian Penal Code. On conclusion of investigation, the police submitted report under section 173 of the Code of Criminal Procedure holding the accusation made in the F.I.R. to be false.

Being aggrieved by the final report submitted by the police in the aforesaid Bounsi P.S.Case No.63 of 2013, the petitioner

has filed the instant application under Articles 226 and 227 of the Constitution of India for issuance of a mandamus to the respondent authorities to re-investigate the aforesaid police case.

In my view, the application is thoroughly misconceived. Once an F.I.R. is instituted, it is for the police to investigate the case in order to find out the correct facts about the allegations made in the report. It is well settled that to hold investigation into a cognizable offence is the statutory right of the police. Neither the informant nor the accused of a case can direct or dictate the manner in which an investigation ought to be conducted. Once a report under section 173 of the Code of Criminal Procedure is filed in the court, it is for the Magistrate concerned to take into consideration the materials collected in course of investigation and to pass orders in accordance with law. In case the informant has any grievance regarding veracity of the investigation, he has a remedy to file a complaint under section 190 read with 200 of the Code of Criminal Procedure before the Magistrate concerned.

For the reasons assigned herein above, I find no merit in the present application. Accordingly, the writ petition is dismissed.

(Ashwani Kumar Singh, J)

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