

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.393 of 2014

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

Nageshwar Kumar son of Ram Pravesh Singh, resident of village- Ekwari,
P.S.-Sahar, District- Bhojpur, at present residing at village- Bihta, P.S.-
Bihata, District-Patna Petitioner/s

Versus

- 1.The State of Bihar
- 2.The Chief Secretary, Bihar, Patna
- 3.The Principal Secretary, Land Reforms Department, Govt. of Bihar, Patna
- 4.The Home Secretary, Govt. of Bihar, Patna
5. The District Magistrate, Patna
- 6.The Director General of Police, Bihar, Patna
- 7.The Inspector General of Police, Central Range, Patna
- 8.The Deputy Inspector General of Police, Central Range, Patna
- 9.The Senior Superintendent of Police, Patna
- 10.The Addl. Superintendent of Police, Danapur, Patna
11. The Station House Officer, Danapur, Patna
- 12.The I.O. of Danapur P.S. Case No.651 of 2013
- 13.Shiv Prasad Singh son of Late Nandlal Singh, resident of village- Bihta,
P.S.-Bihta, District- Patna
- 14.Md. Sahabuddin son of Md. Jakrool, Resident of village-Sherpur, P.S.-
Maner, District- Patna Respondent/s

Appearance :

For the Petitioner/s : Dr. Amarendra Kumar, Advocate
For the State : Mr. Binit Kumar, A.C. to G.A.-7
For the Respondent No. 13 : Mr. Akhileshwar Prasad Singh, Sr. Advocate
Mr. Binod Kumar No.2, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 02-02-2015

The petitioner is informant of Danapur P.S. Case No.651 of 2013 dated 25.11.2013 registered for the offences punishable under sections 419, 420, 467, 468, 471 and 120B of the Indian Penal Code.

Being aggrieved by quality of investigation of the aforesaid case, the present application under Articles 226 and 227 of the Constitution of India has been filed before this Court seeking a direction to be issued to the respondent-authorities to take action

against respondent nos.13 and 14 and to investigate the case properly.

At the outset, learned counsel for the petitioner has informed that respondent no.14 Md. Sahabuddin is dead and, as such, he does not press the application as against him.

The case arises out of a complaint which was referred to the police under section 156(3) of the Code of Criminal Procedure pursuant to which investigation of the case was taken up. There appears to be a civil dispute between the parties. It is well known that to hold investigation into a criminal case is a statutory right of the police. At the stage of investigation, the court has no role to play.

At this stage, I find no reason to issue any direction into the matter for the reasons that simply because an FIR has been instituted against someone, the police are not expected to act mechanically and arrest such person. The action of the police depends not only on the basis of allegations made in the FIR but also on the basis of materials collected in course of investigation.

For the reasons assigned, hereinabove, I find no merit in the present application. Accordingly, it is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

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