

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.894 of 2014

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1. Arvind Kumar Sinha son of Late Ayodhya Prasad Sinha
2. Vaiwabh Sinha son of Arvind Kumar Sinha
3. Sunita Srivastava wife of Arvind Kumar Sinha All resident of Mohalla - Indrapuri Colony, Police Station - Hajipur Town, District - Vaishali at Hajipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Neeraj Kumar son of Bijay Kumar resident of Mohalla - Gola Bazar, Sonpur House of Dindayal Sah in front of Central Bank, Police Station - Sonpur, District - Saran at Chapra.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Roy, Advocate
Miss Nikki Singh, Advocate
For the State : Mr. Alok Kunal, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 20-04-2015 Heard learned counsel for the petitioners and learned counsel for the State.

2. The present application has been filed for quashing the First Information Report lodged by the OP No.2 bearing Hajipur Town P.S. Case No. 648 of 2014 for the offence under Section 406, 420, 467, 468, 469, 471 and 120(B) IPC and under Section 3 (1) (viii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. Learned counsel for the petitioners submits that inasmuch as no offence is made out in the FIR, the same is fit to be quashed. He relies on the decision of this Court in 2011(1) PLJR 780 (Vijay Sharma and another vs. State of

Bihar).

4. It transpires from the counter affidavit filed on behalf of the State respondents that investigation in the said case has since been completed and charge sheet submitted against the three FIR named accused persons including the petitioners vide charge sheet No. 809 of 2014 dated 31.12.2014 under Section 406, 420, 467, 468, 469, 471, 120B and under Section 3 (1) (viii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

5. In view of the aforesaid statement made in the counter affidavit which has not been refuted by the petitioner, it is clear that the matter has now advanced beyond the stage of investigation which has now concluded and culminated in a charge sheet submitted against the accused persons. The matter is pending before the learned court below which will take into consideration not only the FIR but also the statements of the witnesses as may have been collected in course of investigation, before passing appropriate orders.

6. This Court is, accordingly, not inclined to entertain the writ petition at this belated stage in view of the subsequent developments as stated above. Without entering into the merits of the matter, therefore, the writ petition stands dismissed.

7. In case any adverse order is passed by the learned court below, the petitioners shall be at liberty to agitate all points before the appropriate forum in accordance with law.

(Vikash Jain, J)

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