

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Writ Jurisdiction Case No.675 of 2014**

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

1. Md. Mahmood Alam, Son of Md. Samsul Alam, resident of village- Alam Tola, Ward No.-23, P.S.- Forbisganj, District- Araria

2. Md. Hamid Tabi @ Mantu Ansari Son of Taiyab Ansari, resident of Rampur, P.S.- Forbisganj, District- Araria

.... .... Petitioners

Versus

1. The State of Bihar

2. The Director General of Police, Bihar, Old Secretariat, Patna

3. The Superintendent of Police, Araria

4. The S.H.O. Forbisganj, District- Araria

5. Bibi Nazia Khatoon Wife of Nashim Alam, resident of Alam Tola, Ward No.-23, P.S.- Forbisganj, District- Araria

.... .... Respondents

**Appearance :**

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate

Mr. Radha Mohan Singh, Advocate

For the Respondent/s : Mr. Sanjay Pandey, GP-21

Mr. Vivek Anand Amritesh, AC to GP-21

**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**

**ORAL JUDGMENT**

**Date: 13-02-2015**

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

In the present application filed under Articles 226 and 227 of the Constitution of India, the petitioners seek quashing of the first information report of Forbisganj P.S. Case No. 183 of 2014 dated 26.04.2014 registered under Sections 341, 323, 354, 379, 504,

506 and 120B read with 34 of the Indian Penal Code.

It has been contended that both the parties belong to the same family and there is dispute with regard to property between them. The FIR has been instituted with ulterior motive. Even, according to the FIR, no offence whatsoever is made not against the petitioners in the facts and circumstances of the case.

On the other hand, learned counsel for the State has submitted that the police have investigated and supervised the case. In course of investigation, the police found allegations to be true as against two accused namely, Masood Alam and Masoom Alam and not against the petitioners and, accordingly, charge sheet has been ordered to be submitted only against the aforesaid two accused persons against whom the police could find material. In this regard, it would be relevant to quote paragraph no. 7 and 8 of the counter affidavit filed on behalf of respondent no. 3 which read as under:-

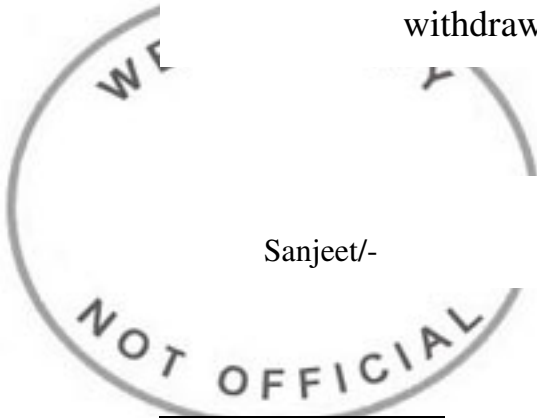
“7. That it is stated and submitted that the case i.e. P.S. Case No. 183/2014 was found true against two accused namely Masood Alam and Masoom Alam and not against the petitioners during the supervision of the Police Inspector, Forbesganj. The petitioners have been shown innocent in the supervision note bearing no. 312 dated 26.11.2014.

8. That it is stated and submitted that the chargesheet has been ordered to be submitted only against the two accused persons namely Masood Alam and Masoom Alam only as the allegations were not found true against the petitioners of the instant writ petition.”

In view of the averments made in para 7 and 8 in the counter affidavit, learned counsel for the petitioners seeks leave to

withdraw the present application for the present.

Accordingly, the application is disposed of as  
withdrawn.



Sanjeet/-

**(Ashwani Kumar Singh, J)**

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