

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.800 of 2014

Arising Out of PS.Case No. -240 Year2014 Thana –MADHUBANI TOWN District- MADHUBANI

Indu Shekhar Jha, S/o Sri Tej Narayan Jha, Resident of Mohalla Professor Colony,
P.O. + P.S. Madhubani, District Madhubani.

.... Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Home, Government of Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The Inspector General of Police, Darbhanga Range, Darbhanga.
5. The Deputy Inspector General of Police, Darbhanga Range, Darbhanga.
6. The Superintendent of Police, Madhubani.
7. The S.H.O., Madhubani Town Police Station, Madhubani.
8. The Investigating Officer of Madhubani Town Police Station, Madhubani.
9. Binod Ram, S/o Sri Buniya Ram, Resident of Ward No. 8, Private Bus Stand,
P.O. + P.S. + District Madhubani.

.... Respondents

Appearance :

For the Petitioner/s : Mr. Gyan Deo Yadav, Adv.

For the Respondent/s : Ms. Ratna Kumari, A.C. to S.C.-13

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 11-03-2015

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

2. By making this application under Articles 226
and 227 of the Constitution of India, the petitioner seeks
quashing of the First Information Report in Madhubani
Town P.S. Case No. 240 of 2014 registered under
Sections 147, 149, 341, 323, 379 and 504 of the Indian
Penal Code and 3 (1) (x) of the Scheduled Castes and

Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3.The petitioner has been made named accused in the aforesaid case. The allegations made in the First Information Report do constitute commission of a cognizable offence.

4. Learned counsel for the petitioner has submitted that the allegations made in the First Information Report are absolutely false. The petitioner has filed a counter case against the informant on the same day, which has been numbered as Madhubani Town P.S. Case No. 239 of 2014 under Sections 147, 148, 149, 341, 323, 324, 307,379, 387, 427 and 504 of the Indian Penal Code.

5. Be that as it may, since both the cases are under investigation, it would not be proper for this Court to make any comment on the allegations made in those cases. To hold investigation into a cognizable offence is the statutory right of the police. At this stage, the Court has no role to play.

6. Regard being had to the fact that the allegations made in the First Information Report do constitute a cognizable offence, I am not inclined to

accede to the prayer made by the petitioner. Accordingly,
the application is dismissed.

(Ashwani Kumar Singh, J.)

Vats/-

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