

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1032 of 2013

=====

Renu Devi, wife of Sharmanand Mistri, resident of village- Malkutha, P.S. Paliganj, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna Govt. of Bihar
2. The Chief Secretary, Department of Home, Patna, Bihar
3. The Director General of Police, Patna
4. The Senior Superintendent of Police, Patna, Bihar
5. The District Magistrate, Patna
6. The Rural Superintendent of Police, Patna
7. The Officer-in-Charge of Paliganj Police Station
8. Tapeswar Mochi S/O Late Ramtaran Mochi, resident of village- Malkutha, P.S. – Paliganj, District- Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ Manu

For the Respondent/s : Mr. Pawan Kr. Mishra

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 05-01-2015 Paliganj P.S.Case No. 58 of 2013 was registered for the offence punishable under section 436 of the Indian Penal Code on the basis of written report submitted by one Jagdeo Mistri. In the F.I.R., five persons were made named accused. The petitioner claims herself to be the daughter-in-law of the informant of the aforesaid Paliganj P.S.Case No.58 of 2013. The present writ petition has been filed seeking a direction to be issued to the respondent authorities to arrest the accused persons named in the aforesaid F.I.R.

In my view, the writ petition is thoroughly misconceived. It is true that once a case is registered, the police

are duty bound to investigate the same but it is not incumbent upon the police to arrest the accused named in the F.I.R. There may be a case of false implication. A duty is cast upon the police to investigate the case in order to find out the truth. If the police find material in course of investigation against an accused named in the F.I.R. in a cognizable offence, it is open for them to arrest the accused or if the accused is evading arrest, they may seek a warrant of arrest from the court. At the stage of investigation, the Court has no role to play and it would be highly improper for this Court to issue a direction to the respondents to arrest someone named in the F.I.R.

In that view of the matter, I find no merit in the present writ petition. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J)

Pradeep/-

U		T	
---	--	---	--