

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.668 of 2014

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

Shailendra Pratap Singh, Son of Shri Jay Narayan Singh, permanent resident of Village - Shahpur, P.S. - Benipatti, District - Madhubani at present residing in the house of Shri Kaushalendra Pratap Singh, Mohalla - Indrapuri, Shiv Mandir Road, Road No. 10, House No. 25, P.S. - Patliputra, Patna - 800024.

.... Petitioner

Versus

1. The State of Bihar
2. The Director General of Police, Bihar, Old Secretariat, Patna - 800015.
3. The Inspector General of Police, Patna Zone, Police Office, Patna-800001.
4. The Deputy Inspector General of Police, Central Range, Police Office, Patna - 800001.
5. The Senior Superintendent of Police, Patna.
6. The City Superintendent of Police (Central), Patna.
7. Shri Jayant Kant, Father's name not known, Ex-City Superintendent of Police (Central), Patna now posted as Superintendent of Police, Buxar.
8. The Deputy Superintendent of Police, Law and Order, Kotwali Police Station Campus, Patna - 800001.
9. Smt. Mamta Kalyani, Father's/husband's name not known, Deputy Superintendent of Police Law and Order, Kotwali Police Station Campus, Patna - 800025.
10. The Station House Officer, Rajiv Nagar Police Station, Patna - 800025.
11. Shri Ram Ratan Pandit, Father's name not known, Sub-Inspector of Police, presently posted at Maner Police Station, Maner, Patna - 801108.
12. The Principal Secretary, Department of Vigilance, Govt. of Bihar, "Soochna Bhawan", 4th floor, Jawahar Lal Nehru Marg, Patna - 800001.

.... Respondents

Appearance :

For the Petitioner/s : Mr. Jitendra Singh, Sr. Advocate

Mr. Arvind Kumar, Advocate

For the Respondent/s : Mr. Deepak Kumar, AC to GA-10

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 13-02-2015

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

The petitioner is informant of Rajiv Nagar P.S. Case No. 212 of 2013 registered for the offences punishable under Sections 386, 420, 452, 465, 467, 468, 471 and 506 of the Indian Penal Code.

In the aforesaid case, on conclusion of investigation, the police have submitted final report holding the case to be of civil nature.

In the present application filed under Articles 226 and 227 of the Constitution of India, the petitioner has sought for a direction to be issued to by this Court upon the respondent nos. 1 to 10 to further investigate the aforesaid police case in terms of Section 173(8) of the Code of Criminal Procedure.

In my view, the application is misconceived. Once the police submit a closure report under Section 173(2) of the Code of Criminal Procedure, the informant of the case has a right to be heard before the Magistrate. Instead of exercising that option, the petitioner has directly approached this Court.

In that view of the matter, I am not inclined to entertain the present application as the petitioner has not availed of the statutory remedy available to him.

Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J.)

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