

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1165 of 2013

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1. Nasima Khatoon Wife Of Wasim Raja Resident Of Village - Satmalpur,
Police Station - Warish Nagar, District - Samastipur

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Energy Supply
Department, Government Of Bihar, Patna
2. The Chairman, Patna Electrics Supply Undertaking (Pseu), Patna
3. The Secretary, Patna Electrics Supply Undertaking (Pseu), Patna
4. The Engineer - In - Chief (Electrics), Patna Electrics Supply
Undertaking (Pseu), Patna
5. The Superintending Engineer (Electrics), Patna Electrics Supply
Undertaking (Pseu), Patna
6. The Executive Engineer, Samastipur Electrics Supply Undertaking, Pseu
Division, Samastipur
7. The Assistant Engineer (S) - Cum - Assessment Officer, Electrics
Supply Sub - Division, Kalyanpur, District - Samastipur
8. The Assistant Engineer (S), Electrics Supply Sub - Division, Kalyanpur,
District - Samastipur
9. The Junior Engineer (S), Electrics Supply Sub - Division, Kalyanpur,
District - Samastipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh

For the Respondent/s : Mr. Kumari Amrita

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 08-01-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

The instant writ petition has been filed under
Articles 226 and 227 of the Constitution of India seeking quashing
of the F.I.R. of Waris Nagar P.S. Case No. 163 of 2013 dated 21st
July, 2013 for the offence punishable under section 135 of the
Electricity Act, 2003.

Learned counsel for the petitioner has submitted that before institution of the F.I.R. the petitioner was not given any opportunity to rebut the allegations made in the written statement filed by the Assistant Engineer on the basis of which F.I.R. has been instituted.

In my view, the argument is misconceived. The allegations made in the F.I.R. do constitute a cognizable offence. Before institution of the F.I.R., an accused has no right to be heard. The application being devoid of any merit is dismissed.

(Ashwani Kumar Singh, J)

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