

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.141 of 2016

Arising Out of PS.Case No. -null Year- null Thana -null District- WESTCHAMPARAN(BETTIAH)

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1. Premjeet Kumar Son of Brij Bihari Singh
 2. Vinayn Singh s/o late Harendra Singh Both Resident of Village -Lakshnauta, P.s Sathi, District West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Superintendent of Police, West Champaran.
3. The Deputy Superintendent of Police, West Champaran.
4. Nagendra Sahnui(informant/Investigating Officer), A.S.I. of Sahti Police Station , District West Champaran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur & Mr. Alok Kumar Jha

For the Respondent/s : Mr. Udai Shankar Singh, A.C. to G.A. 2

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

ORAL JUDGMENT

Date: 02-03-2016

The petitioners have sought quashing of entire prosecution of Sathi P.S. Case No. 105 of 2014 wherein after the report under section 173(2) of the Code of Criminal Procedure, 1973 (hereinafter referred to as the Code) has been furnished by the Investigating Officer, warrant of arrest has been issued against the petitioners.

Learned counsel for the petitioners argues that there is no provision for re-investigation of the case though there is a provision for further investigation in terms of section 173(8) of the Code.

Once a report under section 173 of the Code has been filed, the petitioners are well advised to appear and contest the proceeding before the court below. The petitioners can dispute that there cannot be re-investigation but further investigation before the court below itself. The petition does not disclose any cause for quashing of the first information report.

I do not find any merit in this writ petition. It is, accordingly, dismissed.

(Hemant Gupta, J)

Amin/-

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