

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.852 of 2015

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

Sushil Kumar Pansari, Son of late Binod Kumar Pansari, resident of B-4/B Pushpa Vihar Appartment, Exhibition Road, Police Station- Gandhi Maidan ,district Patna- 800001

.... Petitioner

Versus

1. The State of Bihar through the Director General of Police, Bihar,
2. The Senior Superintendent of Police, Patna.
3. The Officer-in-Charge, Kotwali Police Station, Patna.
4. Mr. Dhiraj Kumar, Investigating Officer, Kotwali Police Station, Patna.
5. Prabha Sharma, daughter of Late Punyadeo Sharma, wife of late Ram Sakha Singh resident of House No. 7, Kitab Bhawan Lane, North S.K. Puri P.S- S.K. Puri District-Patna.

... Respondents

6. Dr. Rahul Janak Sinha Son of Dr. Janakdeo Prasad Sinha
 7. Dr. Shantanu Sinha, son of Dr. Janakdeo Prasad Sinha
 8. Dr. Sheela Sharma wife of Dr. Janakdeo Prasad Sinha
- All residents of O/83 Doctor's Colony, Kankarbagh, P.S.- Kankarbagh, District- Patna.

.... Respondents

Appearance :

For the Petitioner/s : Mr. Gajendra Pratap Singh, Advocate

For the Respondent-State: Mr. Ashutosh Ranjan Pandey, AAG-15

For the Respondent No.8: Dr. Meeta Mohini, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 26-07-2016

Heard Mr. Gajendra Pratap Singh, learned counsel

for the petitioner and Mr. Ashutosh Ranjan Pandey, learned AAG-15.

In the present writ petition, the petitioner has challenged legality of the institution of the first information report of Kotwali P.S. Case No. 207 of 2015 registered under Sections 448 and 379 read with 34 of the Indian Penal Code.

At the outset, it has been fairly conceded by the learned counsel for the petitioner that during pendency of the application the police submitted final report and the petitioner was not sent up for trial. However, differing with the police report, the jurisdictional Magistrate has taken cognizance of the offence.

An interlocutory application bearing I.A. No. 266 of 2016 has also been filed in this regard wherein a prayer has been made to quash the order dated 10.11.2015 by which the Jurisdictional Magistrate has taken cognizance of the offence in the aforesaid police case differing with the police report.

It is submitted by the learned counsel for the petitioner that the allegations made in the FIR do not attract ingredients of any cognizable offence.

Be that as it may, in view of the developments, which took place, as noted above, I am not inclined to enlarge the scope of the present writ petition which was initially filed for

quashing of the FIR to an application seeking quashing of the order taking cognizance of the offence.

In that view of the matter, the instant application and I.A. No. 266 of 2016 are disposed of with liberty to the petitioner to challenge the impugned order taking cognizance of the offence by filing another appropriate application.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	
CAV DATE	N.A.
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