

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.885 of 2015

Arising Out of P. S. Case No. - 09 Year- 2015 Thana -Nagar District- NAWADA

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Chanchla Devi W/o late Murari Prasad resident of Village- Nanaura Tola, Bhagwal
Bigha, P.S. Nagar, District Nawadah.

.... Petitioner

Versus

1. The State of Bihar through the Home Secretary, Govt. of Bihar, Patna
2. The Director General of Police, Bihar, Patna.
3. The Deputy Inspector General of Police, Magadh Range Gaya,
4. The Superintendent of Police, Nawada, District Nawada.
5. The Deputy Superintendent of Police, Nawada, District Nawada.
6. The Officer-in-Charge, Nagar Police Station Nawada, District Nawada.
7. The Investigating Officer, Nagar Police Station of Nagar, P.s Case No. 09/2015

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Anil Chandra, Advocate

For the Respondent/s : Mr. Santosh Kumar Jha, GP-3
Mr. Awadhesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 21-07-2016

The petitioner has got registered two FIRs against the
same accused persons vide Nawada (Town) P. S. Case No. 416 of
2014 and Nawada (Town) P. S. Case NO. 9 of 2015.

2. The prayer of the petitioner, in the present writ
application, is to direct the respondents to hold fair investigation of
Nawada (Town) P. S. Case No. 09 of 2015 registered under Section

302/34 of the Indian Penal Code. The petitioner has also prayed for to issue a direction to the respondents to arrest the accused persons named in the FIR.

3. It is submitted by learned counsel for the petitioner that the investigation of the case is being conducted in a perfunctory manner. The police are in collusion with the accused persons and the accused persons are not being arrested despite lapse of over one year from the date of institution of the FIR.

4. On the other hand, Mr. Awadesh Kumar, learned counsel appearing on behalf of the State has submitted that there is no truth behind the allegations made by the petitioner. The investigation has been carried out in most diligent manner. Considering the statement of witnesses recorded under Section 161 (3) of the Code of Criminal Procedure and after taking into consideration the inquest report, post-mortem report and the circumstantial evidence which came forth, the investigating agency came to the conclusion that it was a *prima facie* case of suicidal death. The investigating agency also came to the conclusion that there was dispute between the petitioner and her husband and the husband of the petitioner committed suicide by hanging himself to death. In view of the aforesaid conclusion, on completion of investigation, the police have already submitted a final report in the

matter on 29th February, 2016 in the court of jurisdictional Magistrate holding the prosecution case to be 'a mistake of fact'.

5. I have heard respective counsel for the parties and perused the materials available on record.

6. In view of the fact that a police report under Section 173(2) of the Code of Criminal Procedure has already been submitted in the court of jurisdictional Magistrate, it would not be proper for this Court to make any comment on the quality of investigation as it is primarily the duty of the Magistrate to look into the materials available on record and pass order in accordance with law.

7. In that view of the matter, I am not inclined to entertain the present writ application. Even otherwise, it has become infructuous as the investigating agency has already completed its duty of investigation and submitted report in the court. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J.)

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