

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.191 of 2016

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1. Binod Kumar Singh @ B.k. Singh son of Sri Ramashish Prasad Singh Resident of Flat No. 401, Block - B, Priyadarshini Apartment, Boring Canal Road, Crossing, Patna, P.S. Budha Colony, District – Patna Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna.
2. The Senior Superintendent of Police, Patna, District - Patna.
3. The City Superintendent of Police, Patna, District - Patna.
4. The Deputy Superintendent of Police, Kotwali, Patna, District - Patna.
5. The Station Head Officer, Sri Krishnapuri Police Station, Patna, District - Patna.
6. Sri Arbind Kishore son of not known to the petitioner Presently posted as Sub-Inspector of Police, Sri Krishnapuri Police Station, Patna, District - Patna.
..... Respondent/s

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Appearance :

For the Petitioner : Ms. Anuradha Singh, Advocate
Mr. Ravi Ranjan, Advocate
For the Respondents : Mr. Rathore Vasundhara, AC to SC 26

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 11-08-2016

This application, under Articles 226 and 227 of the Constitution of India, has been filed, seeking quashing of the First Information Report of Sri Krishnapuri Police Station Case No. 28 of 2016, registered for the offences punishable under Sections 447, 341, 353, 332, 504, 506 read with Section 34 of the Indian Penal Code. The petitioner has also sought for a direction restraining Sri Krishnapuri Police from causing any disturbance to the petitioner in the peaceful possession of the land, pertaining to plot nos. 54, 55 and 60 of Khata No. 560, thana no. 7, situated under mouza Dhakanpura in respect whereof the petitioner is said to having valid agreement executed by the land-lady.

It is the case of the petitioner that a title suit is

pending with respect to the said land in the Court of Subordinate Judge 11, Patna, being Title Suit No. 5483 of 2014.

From the First Information Report, it seems that based on secret information that certain illegal construction was going on by the unauthorized persons over the plot in question, the informant, who is a Sub Inspector of Police, went to the said plot and found a JCB machine engaged in earthwork. Thereafter, he recorded statement of Fulwasi Devi, who is said to be the informant of Sri Krishnapuri Police Station Case No. 211 of 2014, which was found to be true against the petitioner. The petitioner had also filed a criminal case against said Fulwasi Devi, being Sri Krishnapuri Police Station Case No. 295 of 2014, which was found to be false by the Police.

It has been alleged in the First Information Report that when an attempt was made to stop the petitioner and another co-accused from engaging themselves in the construction work, they used abusive language and assaulted the police personnel.

Learned Counsel appearing on behalf of the petitioner has submitted that it is out and out a civil dispute between the petitioner and the informant, which is being given colour of a criminal case. He has also submitted that the police are acting mala fide in order to support the said Fulwasi

Devi.

A counter affidavit has been filed on behalf of the respondent-State of Bihar, stating therein that Police, upon completion of investigation, have submitted charge sheet and it is, accordingly submitted on behalf of the State that this application has become infructuous.

Upon going through the contents of the First Information Report, it cannot be held that no offence is made out on the basis of what has been alleged in the First Information Report, requiring the Court to quash the First Information Report. Secondly, since the charge sheet has already been submitted, this application seeking quashing of the First Information Report has become infructuous for all practical purposes.

The petitioner can raise his plea, as may be advised to him, at the stage of framing of charge or any other stage, as may be advised to him.

For the aforesaid reasons, this application stands dismissed with the observation aforesaid.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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