

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.510 of 2016

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

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1. Anil Kumar @ Anil Singh son of Chhathu Choudhary, Director of M/s Patliputra Builders Ltd., resident of Flat No. 601, Maharaja Kameshwar Complex, Frazer Road, P.S.- Kotwali, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Home, Government of Bihar, Patna.
2. The Director General of Police, Bihar.
3. Inspector General of Police, Patna, Bihar.
4. Deputy Inspector General of Police, Patna, Bihar
5. The Senior Superintendent of Police, Patna.
6. Sub-Inspector of Police, Kotwali Police Station, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh, Advocate

For the Respondent/s : Mr. Ajay Behari Sinha, SC-19

Mr. Neeraj Raj, AC to SC-19

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL JUDGMENT

Date: 25-05-2016

Heard Mr. Bindhyachal Singh, learned Counsel,
appearing on behalf of the petitioner, and Mr. Ajay Behari Sinha,
learned Standing Counsel No.19, appearing on behalf of the State-
respondents.

With the help of this writ petition, made under Articles
226 and 227 of the Constitution of India, the petitioner has sought
for quashing of the First Information Report (in short, FIR), which
has given rise to Kotwali Police Station Case No. 775 of 2013,
under Sections 147/149/341/323/353/354/186/160/224 of the

Indian Penal Code.

The prosecution's case, as discernible from the First Information Report, is, in brief, thus:

Treating an information, given in writing, by Sri Umesh Kumar, Sub-Inspector of Police, Kotwali Police Station as First Information Report, Kotwali Police Station Case No.775 of 2013, came to be registered, on 26.12.2013, wherein it has been alleged that the informant received an information that about 1000 persons, belonging to National Builders Association, were taking out a procession from J.P. *Golambar* to Raj Bhawan. The informant accordingly informed the police officials including female police personnel to stop the procession from entering into the prohibited area and directed them to persuade the leaders to take the procession to R-Block via Station *Golambar*. When procession reached near Dak-Bungalow, one Rana Ranvijay Singh provoked the processionists to enter into the prohibited area. When the informant, along with the police officials, tried to persuade the processionists to divert the procession, they refused and forcibly entered into prohibited area, whereafter, Rana Ranvijay Singh, Vijay Kumar, Satyendra Pandey and two others were sent to police station. It is further alleged that all the protesters, including the petitioner, reached Kotwali Police Station and some persons

entered into the police Station and commotion prevailed over there due to which the apprehended persons escaped. One Dharmveer Singh threatened that he is the brother of justice Deepak Singh. The protesters after much effort were diverted to R-Block.

Having regard to the contents of First Information Report, it cannot be said that no case of commission of any offence has been made out by the First Information Report. In such a situation, the First Information Report cannot be quashed. This apart, the report of the Deputy Superintendent of Police shows that the allegations have been found to be true. It shall, however, remain the duty of the Investigating Officer to ensure that there is proper, effective, expeditious and impartial investigation carried out so that no innocent person is harassed inasmuch as it is also the accusation made, in the present case, by the petitioner that he has falsely been implicated.

In view of the above, this writ petition is dismissed with liberty granted to the petitioner to approach this Court with appropriate application, in future, if the situation so warrants.

(I.A. Ansari, ACJ.)

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