

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.278 of 2016

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1. Asha Devi @ Abha Devi W/o Nilamber Kamat @ Lilamber Kamat
 2. Abika Devi @ Amrika Devi w/o Pawan Kamat
 3. Pawan Kamat S/o Nilamber Kamat @ Lilamber Kamat
- All are resident of Village- Kaithiniya Ward No.- 5, P.S.- Madhepur, (R.S.), District Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Director General of Police, Bihar Patna.
3. The Additional Director General of Police (Head Quarter), Bihar, Patna.
4. The Inspector General of Police, Darbhanga Range, Darbhanga.
5. The Superintendent of Police, Madhubani.
6. The Officer in Charge (R.S. Shivir), Madhepur, Madhubani.
7. The Office in Charge Lakhanaur, P.S- Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13, Advocate
Mr. Rohit Kumar, Advocate
Mr. Jitendra Kumar Bharti, Advocate

For the Respondent/s : Mr. Arvind Kumar No.1 (SC 13)
Mr. Shashi Shekhar Kr. Prasad, AC to SC-13

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
ORAL ORDER

2 29-03-2016 The petitioners have sought quashing of FIR registered as Lakhanaur P.S. Case No.129 of 2015 dated 08.09.2015 for the offences under Sections 147, 148, 149, 312, 315 and 316 of the Indian Penal Code on the reason that a similar FIR registered as Madhepur R. S. (Sivir) P.S. Case No.61 of 2014 stands registered for the offences under Sections 341, 323, 354, 379, 504 and 34 of the Indian Penal Code.

It has been explained by learned counsel for the respondents that first FIR being Madhepur R.S. (Sivir) P.S. Case

No. 61 of 2014 was lodged on 14th of May, 2014 in respect of an incident which happened on 11th of May, 2014 at about 10:00 A.M., whereas the second FIR being Lakhanaur P.S. Case No.129 of 2015 was lodged on 08th of September, 2015 in respect of an incident which took place on 22nd of May, 2014. Since both the FIRs pertain to distinct offence, therefore, it cannot be said that the second FIR is liable to be quashed for the reason that it is the same as the first FIR.

Both the FIRs are of distinct offences relating to distinct period, therefore, it cannot be quashed. However, since the accused are common in both the FIRs and pertain to same series of allegations, it will be appropriate if cases arising out of both the FIRs are tried and decided by the same Court.

With the aforesaid direction, the writ petition stands disposed of.

(Hemant Gupta, J)

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