

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.649 of 2015

Arising Out of PS.Case No. -null Year- null Thana -null District- VAISHALI(HAJIPUR)

- =====
1. Jagdish Rai S/o Late Sahdeo Rai
 2. Raj Mati Devi W/o Jagdish Rai
 3. Rani Kumari D/o Jagdish Rai
 4. Lal Babu Rai S/o Jagdish Rai All Resident of Village Gobarsahi Chowk, Anand Nagar, Road No. 1, P.S. Sadar, District Muzaffarpur.
 5. Parasuram Raut S/o Kapileshwar Raut Resident of Village Mirja Nagar, P.S. Kanti, District Muzaffarpur.

.... Petitioners

Versus

1. The State of Bihar through Director General of Police, Bihar at Patna.
2. The Superintendent of Police, Vaishali at Hazipur.
3. The Station House Officer, Mahila Police Station, Vaishali.
4. Manjusha Kumari W/o Vishal Kumar, D/o Lakshaman Rai Resident of Mohalla Block Colony, Digghi, P.S. Sadar (Hazipur), District Vaishali.

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate
For the Respondent/s : Mr. Jawahar Pd. Karan, AAG-4.
Mr. Ranjan Kumar, A. C. to AAG-4

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date: 04-02-2016

By way of the present application preferred under Articles 226 and 227 of the Constitution of India, the petitioners seek quashing of the first information report (for short “the FIR”) of Mahila (Hazipur) P. S. Case No. 16 of 2014 dated 13.05.2014 registered under Sections 498-A, 406 and 323/34 of the Indian

Penal Code and Sections of 3 and 4 of Dowry Prohibition Act.

2. It has been contended by learned counsel for the petitioners that the entire allegations made in the FIR are false and fabricated. The petitioner no. 1 is father-in-law, petitioner no. 2 is mother-in-law, petitioner no. 3 is sister-in-law and petitioners no. 4 and 5 are brothers-in-law of the informant. They have been implicated in the case simply because, there is matrimonial discord and incompatibility between the husband and wife and for that reason the petitioners, who have no concern with their day-to-day life in any manner, have been falsely implicated in the case.

3. On the other hand, learned counsel for the State has contended that allegations made in the FIR do attract the ingredients of the offences punishable under various Sections of the Indian Penal Code and the Dowry Prohibition Act as alleged in the FIR. He has further contended that during the preliminary investigation, the allegations made in the FIR have been found to be true.

4. Be that as it may, the allegations made in the FIR do attract the ingredients of a cognizable offence. The defence of the petitioners cannot be appreciated by this Court at this stage as their defence is to be investigated by the police during investigation of the case and appreciated by the Court in case an

adverse police report is submitted. It is well-settled that the defence of an accused cannot form the basis for quashing an FIR.

5. In that view of the matter, I do not find any merit in this application. Accordingly, it is dismissed.

(Ashwani Kumar Singh, J.)

Kanchan/-

U		T	
---	--	---	--