

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.743 of 2016

Arising Out of PS.Case No. -186 Year- 2010 Thana -Minapur District- MUZAFFARPUR

Kishori Sahni son of Kailash Sahni, resident of village- Rajwara Dih, Mushahari,
District- Muzaffarur.

.... Petitioner/s

Versus

1. The State of Bihar, Through Director General of Police, Bihar, Patna.
2. Superintendent of Police, Muzaffarpur.
3. Deputy Superintendent of Police, Muzaffarpur East, District- Muzaffarpur.
4. Officer-in-Charge, Minapur P.S., District- Muzaffarpur.
5. Binoy Sahni S/o. Sheojee Sahni,
6. Sheojee Sahni S/o. Mahendra Sahni,
7. Methuni Devi W/o. Sheojee Sahni.
8. Shakindra Sahni S/o. of Mahendra Sahni,
9. Malti Devi W/o. Shakindra Sahni,
10. Rajendra Sahni S/o. Chhathu Sahni,
Respondent Nos.5 to 10 residents of village Madhuban Kanti P.O. Jamin,
Mathia P.S. Minapur, District- Muzaffarpur.
11. Lal Bachan Sahni, S/o. Parmeshwar Sahni, resident of Village- Bara Bharthi
P.S.Minapur, District- Muzaffarpur.
12. Sanjay Sahni S/o. Sheojee Sahni, resident of village Madhuban, Jamin Mathia,
P.S. Minapur, District- Muzaffarpur.

... Respondent/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the Respondent/s : Mr. Kinkar Kumar, SC-9

Mr. Yogesh Kumar, AC to SC-9

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 29-08-2016

Heard Mr. Arun Kumar, learned Counsel, appearing on
behalf of the petitioner, and Mr. Kinkar Kumar, learned Standing
Counsel No.9, appearing on behalf of the State-respondents.

The petitioner lodged a complaint, in the Court of Chief
Judicial Magistrate, Muzaffarpur, alleging, *inter alia*, that her
daughter had been killed under suspicious circumstances by her
husband. Based on the complaint so made, which was sent to the
Superintendent of Police, Muzaffarpur, under Section 156(3) of the

Code of Criminal Procedure, Minapur Police Station Case No.186 of 2010 came to be registered.

However, on investigation, the police, having not found necessary materials against the accused persons, filed a *police report*, under Section 173(2)(iii) of the Code of Criminal Procedure, exonerating the accused, i.e., husband of the deceased.

The remedy for the petitioner, therefore, lies, now, either in applying to the Chief Judicial Magistrate, Muzaffarpur, where *final report* has been submitted, to direct further investigation into the case or take cognizance of the offences, which may be disclosed by the materials on record and do the needful in accordance with law.

Situated thus, the present petition is not sustainable and is, therefore, as sought for on behalf of the petitioner, disposed of in the light of the above observations and directions.

I leave the petitioner at liberty to pursue, in future, remedy in accordance with appropriate provisions of law, as may be permissible, if the situation so warrants.

(I. A. Ansari, CJ)

Mkr./-

AFR/NAFR	NAFR
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