

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.89 of 2016

Arising Out of PS.Case No. -null Year- null Thana -null District- NALANDA (BIHARSHARIFF)

1. Pappu Singh Son of Late Rajendra Singh resident of village - Kolawan, P.S. Harnaut, Distt. - Nalanda

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director General of Police, Bihar, Patna
3. The Inspector General, Patna, Bihar
4. The Deputy Inspector General of Police, Patna, Bihar
5. The Superintendent of Police, Nalanda at Biharsharif
6. The Station Head Officer, Police Station, Harnaut, Nalanda
7. The Station Head Officer, Police Station, Ekangarsarai, Nalanda

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar

For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

ORAL JUDGMENT

Date: 02-03-2016

The petitioner has sought quashing of the first information report of Harnaut P.S. Case No. 445 of 2015 registered for the offences under sections 399, 402, 212 of the Indian Penal Code and under section 25, 26 of the Arms Act, 1956.

The sole grievance of the petitioner is that the seizure was effected by the police of another police station rather than the police station where the first information report was registered and, therefore, the first information report proceeds on illegal basis.

I do not find that even if there is any illegality in the seizure process which will confer any cause to the petitioner for

quashing of the first information report. The allegation against the petitioner is serious i.e. the offence is not only under the Arms Act but also under sections 399 and 402 of the Indian Penal Code. Such serious offences said to have been committed by the petitioner cannot be quashed at the threshold.

I do not find any merit in this writ application. It is, accordingly, dismissed.

(Hemant Gupta, J)

Amin/-

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