

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Writ Jurisdiction Case No.588 of 2017**

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

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1. Sunaina Devi Wife of Sri Gopal Saw, Resident of Village- Aliganj, P.S.-  
Chandradip, District- Jamui.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Govt.  
of Bihar, Patna.
2. The District Magistrate, Jamui.
3. The Superintendent of Police, Jamui.
4. The Dy. S.P., Jamui.
5. The Station House Officer, SC/ST Police Station, Jamui.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Ambika Bhagat, Advocate

For the Respondent/s : Md. Nadeem Seraj, GP-5

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**

**ORAL JUDGMENT**

**Date: 30-08-2017**

Heard learned counsel for the parties.

2. The petitioner is F.I.R. named accused in connection with Jamui SC/ST P.S. Case No.28 of 2016 registered under Sections 341/323/504/506/34 of the Indian Penal Code and Section 27 of the Arms Act as well as under Section 3(i)(x)(xi) of the SC/ST (Prevention of Atrocities) Act.

3. The present writ application has been filed for quashing of the F.I.R. against the petitioner on the ground that there is no allegation against the petitioner in the F.I.R.

4. In the counter affidavit, the State-respondents have stated that during investigation the Deputy Superintendent of Police in his supervision report has mentioned involvement of the petitioner



also in the occurrence.

5. The perusal of the aforesaid F.I.R. reveals that the informant is an eyewitness of the occurrence. He has stated that the petitioner was a candidate for the post of Mukhiya and had asked the informant to vote in her favour. After voting the petitioner won the election. Thereafter the named accused persons (not the petitioner) came to the house of the informant abused him by taking his caste name for the reason that in spite of the informant's non-voting in favour of the petitioner, petitioner won the election. Subsequent criminal act was committed by those named accused persons and there is no allegation against the petitioner at all of commission of any overt act including any offence under the SC/ST Act.

6. I do not find any substance in the submission of learned counsel for the State-respondent that name of the petitioner had transpired in the supervision note of the Deputy Superintendent of Police. The Supervising Authority is expected to see only whether the investigation of the case is going on the right track and whether it requires some direction to the Investigating Officer to investigate the case in particular area or areas depending upon the facts and circumstances of this case. However, the Supervising Authority is not expected to run parallel investigation side by side along with Investigating Officer of the same case.

7. Since there is no allegation against the petitioner in the



F.I.R., criminal prosecution of the petitioner is apparently an abuse of the process of the Court, which cannot be allowed.

8. Accordingly, after hearing the parties, the F.I.R. of Jaumi SC/ST P.S. Case No.28 of 2016 against the petitioner only, stands quashed and this writ application is accordingly allowed.

**(Birendra Kumar, J)**

Mkr./-

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