

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 1116 of 2016

Arising out of P.S. Case No. - null Year - null Thana - null District - BEGUSARAI

=====

NIRANJAN SINGH @ NIRANJAN PRASAD SINGH, Son of Sheo Nandan Singh, Resident of Village – Bari Agra, Police Station – Begusarai Mufassil, District Begusarai

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Home, Government of Bihar, Patna
3. The Director General of Police, Patna
4. The Inspector General of Police, Patna Range, Patna
5. The Deputy Inspector General of Police, Begusarai Range, Begusarai
6. The Superintendent of Police, Begusarai
7. The S.H.O. Police Station, Begusarai Muffasil, Begusarai
8. Rudra Narain Singh @ Rudal Singh, S/o Late Vishnu Dev Singh, Resident of Sonu Badi Ali, Police Station Begusarai Mufassil, Begusarai

.... Respondents

=====

Appearance :

For the Petitioner : Mr.

For the Respondents : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 15-02-2017

This application, under Article 226 and 227 of the Constitution of India, is for quashment of the First Information Report bearing Begusarai Muffasil Police Station Case No. 434 of 2014 registered under Sections 302/34 and 120B of the Indian Penal Code.

According to First Information Report, lodged by



Rudra Narayan Singh, five named accused persons committed murder of Manish Kumar, the son of the informant, in his presence on 12.12.2014. Ranjan Singh, full-brother of this petitioner was present at the time of occurrence and in the subsequent part of the First Information Report, it is alleged that the petitioner was conspirator of the crime as a civil suit was going on and the petitioner had threatened not to do Pairvi in the civil suit.

Submission of the petitioner is that the FIR is counter blast of Begusarai Town Police Station Case No. 378 of 2011, a case under Section 302 and other Sections of the Penal Code lodged by the petitioner which relates to murder of the son of the petitioner and the informant and others were accused in that case. He further submits that on the alleged date of occurrence, the petitioner was on his duty at Panipath in Hariyana far away from the place of occurrence, hence, his implication is false and frivolous one. His further submission is that, during investigation, no material came against the petitioner.

On the other hand, learned counsel for the respondent-State submits that at the stage of consideration of quashment of FIR, the probable defence, especially, the defence of alibi cannot be looked into. The earlier murder case may be a reason for false implication or may be a reason for the occurrence committed in the



present case, hence, that cannot also be a ground to quash the FIR. He further submits that the investigation and its report would be considered at the stage of cognizance and not to quash the FIR in exercise of this extra jurisdiction, if the FIR discloses even suspicion against the petitioner.

I find substance in the submission of the learned counsel for the respondents. Even suspicion to have committed some crime is sufficient to even frame the charges in the case. Moreover, the probable defence of alibi or earlier criminal case between the parties can also be not looked into to consider the quashment of FIR provided, the FIR discloses commission of some offence.

Therefore, there is no merit in this application. Hence, it stands dismissed.

(Birendra Kumar, J)

Kundan

AFR/NAFR	
CAV DATE	
Uploading Date	23.02.2017
Transmission Date	23.02.2017

