

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24863 of 2016

Arising Out of PS.Case No. -142 Year- 2015 Thana -PATLIPUTRA District- PATNA

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1. Meena Devi Wife of Ashok Priyadarshi@Singh
2. Ashok Priyadarshi@Ashok Kumar Singh Son of Ram Naresh Singh
3. Ravi Shankar @Ravi Shankar Kumar son of Ashok Priyadarshi
All resident of Mohalla- Indrapuri 41B, Road, No. 6, Near House no. 106,
PS Patliputra District Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sahad Devi wife of Rana Chandradeen Prasad Singh resident of Mohalla-
Indrapuri 41B, Road, No. 5B, Near House no. 19, PS Patliputra District Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

Date: 13-04-2017

Heard learned counsel for the petitioners and Mr J.N.

Thakur, learned A.P.P. for the State.

The present application has been filed for quashing the
FIR of Patliputra P.S. Case No. 142 of 2015 registered under
Sections 341,323,504,379/34 of the Indian penal Code.

It has been submitted by learned counsel for the
petitioners that the accusation of assault and theft has been levelled
by informant Saheb Devi, who happens to be the mother of petitioner
no. 1 and mother-in-law of petitioner no. 2 in the background of
Eviction Suit No. 62 of 2013 filed by the informant and the Title



Partition Suit No. 278 of 2015 filed by the petitioner no. 1. It has further been submitted that prior to lodging of the present case the petitioner filed informatory petition bearing no. 2014 of 2013 due to apprehension at the hands of the informant.

It is well settled legal proposition that FIR can be quashed if the accusation does not constitute any cognizable offence or the prosecution is barred under any law or FIR has been lodged with malicious reason to wreak vengeance. Moreover, the FIR was registered on 22.05.2015 but there is nothing on record to suggest that investigation has concluded or not.

Considering the submission of learned counsel for the petitioners and the State, this Court is not inclined to interfere with the statutory duty of the police to investigate a cognizable offence particularly when it is not known that investigation has concluded or not.

In the circumstances, the present quashing application is disposed of with liberty to the petitioner to raise all the contentions at the appropriate stage of proceeding. It is expected from the investigating agency to conclude the investigation expeditiously, if the same has not concluded as yet. .

(Dinesh Kumar Singh, J)

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