

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 592 of 2016

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

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Ravi Prakash Singh, Son of Narsingh Narain Singh, resident of Mohalla - Civil
Lines, Hospital Road, Buxar, P.S. – Buxar, District Buxar

.... Petitioner

Versus

1. The State of Bihar
2. Archana Kumari, D/o Bijay Bahadur Singh, Resident of Village - Shivpur, P.S.
Bhabhua, District Kaimur, Now present Quarter No. A-2, Dhurba, P.S. Dhurba
District Ranchi (Jharkhand).
3. Vijay Bahadur Singh, S/o Late Sitaram Singh, Resident of Village – Shivpur,
P.S. Bhabhua, District Kaimur. Now present Quarter No. A-2, Dhurba, P.S.
Dhurba District Ranchi (Jharkhand).
4. The Officer In Charge Buxar(T) Police Station Buxar.
5. The Superintendent of Police, Buxar.
6. The Sub-Divisional Police Station Officer, Buxar.
7. D.I.G. Police at Dehri.
8. The Inspector General of Police Patna

.... Respondents

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Appearance :

For the Petitioner : None

For the Respondents : Mr. Sunil Kumar Mandal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 27-07-2017

No one appears on behalf of the petitioner.

2. Heard learned counsel for the State-respondents.

3. This writ application has been preferred under Articles
226 and 227 of the Constitution of India for quashment of FIR of Buxar
(Town) P.S. Case No. 04 of 2013, a case registered under Section
498A/34 of the Indian Penal Code as well as Section 3/4 of the Dowry



Prohibition Act on the written report of respondent no. 3 Vijay Bahadur Singh, the father of respondent no. 2 Archana Kumari alleging therein that Archana Kumari was physically and mentally tortured and is being tortured by her husband and other relations for non-fulfillment of dowry demand.

4. The record reveals that by order dated 04.08.2016, the petitioner was directed to file requisites against respondent no. 2 and 3 within one week, failing which the application against respondent no. 2 and 3 shall stand rejected without further reference to a Bench.

5. Order aforesaid was not complied, hence, this writ application was dismissed against respondent no. 2 and 3.

6. Learned counsel for the respondents contends that this writ application is fit to be dismissed for the reason that the police has already submitted charge-sheet against the petitioner who is husband of respondent no. 2 Archana Kumari after completion of investigation of the case, hence, prima facie, material in support of the FIR is already there. Moreover, the FIR discloses cognizable offence against the petitioner, hence, the same should not be interfered by this Court without opportunity of hearing to respondent no. 2 and 3 against whom the writ application has already been dismissed for default.



7. I find substance in the submission of the learned counsel for the respondents. The writ application has already been dismissed against respondent no. 2 and 3 for non-compliance of the Court’s order. The FIR clearly discloses commission of a cognizable offence by the petitioner and others. Charge-sheet has already been filed in this case.

8. For the aforesaid reason, this writ application is fit to be dismissed. Accordingly, it stands dismissed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	02.08.2017
Transmission Date	02.08.2017

