

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1070 of 2016

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Chamak Lal Bharti, Son of Late Jagdish Pandit, Resident of Village-
Udaypur, P.S.- Parbatta, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department
Govt. of Bihar, Patna
2. The District Magistrate, Munger.
3. The Superintendent of Police, Munger.
4. The Officer Incharge, Jamalpur Police Station, Jamalpur.
5. Sweety Kumari, Wife of Dharmendra Kumar, Daughter of Basuki Pandit,
at present resident of Village- Kumhar Tola, Tarapur, P.S.- Tarapur,
District- Munger.
6. Basuki Pandit, Son of Kamleshwari Pandit, Resident of Village- Kumhar
Tola, Tarapur, P.S.- Tarapur, District- Munger.
7. Urmila Devi, Wife of Basuki Pandit, Resident of Village- Kumhar Tola,
Tarapur, P.S.- Tarapur, District- Munger.

.... Respondent/s

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Appearance :

For the Petitioner/s : Smt. Shashi Priya Pathak, Adv.
Mr. Ambrish Kumar Jha, Adv.
Miss Preety Kunwar, Adv.

For the Respondent/s : Miss Shalini, AC to GP-5

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 31-01-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Initially the present writ application has been filed
for a direction to the respondent nos.3 and 4 to lodge the FIR in
terms of direction issued by the learned Judicial Magistrate under
Section 156(3) Cr.P.C. vide his order dated 03.05.2016 passed in
Complaint Case No.459 of 2016.

Learned counsel for the petitioner submits that the



police is not registering the FIR despite the order of the learned C.J.M. and no report was being submitted even after lapse of more than one year, but when the present writ application has been filed before this Court, the FIR has been registered. Learned counsel however impressed upon this Court that in the serious nature of this case where the son of this petitioner is traceless, the investigating officer has not even contacted the informant till date and registration of FIR is merely a formality. Learned counsel has seriously doubted the conduct of the investigating officer.

On the other hand, learned counsel representing the State submits that the FIR has now been registered and proper investigation is taken up.

In the facts of this case, this Court is prima facie satisfied with the submission of the learned counsel for the petitioner. The delay in lodging the FIR in view of the nature of this case must be taken seriously because it appears from the complaint that son of this petitioner is traceless since 2016.

In the circumstances, the Superintendent of Police, Munger is directed to ensure proper investigation in the matter by deputing a competent investigating officer and if required by changing the investigating officer if he is found not acting properly after registration of the FIR.



The learned court below is also directed to pass an appropriate order as and when required for conduct of proper investigation. If any application raising any complaint with regard to proper conduct of investigation is filed by the petitioner, the court below shall consider the same with some urgency in terms of the judgment of the Hon'ble Supreme Court in the case of **Sakiri Vasu Vs. State of U.P. & Ors. reported in (2008) 2 SCC 409** which has been recently followed in the case of **Sudhir Bhaskarrao Tambe Vs. Hemant Yashwant Dhage & Ors. reported in (2016) 6 SCC 277**. If required the court below would not hesitate in directing the senior police officer/(s) to change the investigating officer of the case. The investigation must be taken to it's logical end at the earliest and in any case within a period of three months from the date of receipt/production of a copy of this order.

The writ application stands disposed off with the observations and directions made above.

(Rajeev Ranjan Prasad, J)

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