

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44629 of 2017

Arising Out of PS.Case No. -572 Year- 2017 Thana -BETTIAH CITY District- WEST
CHAMPARAN (BETTIAH)

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Haider Ansari, son of Ajim Ansari, Resident of Village- Tuniya, P.S.- Manuapul,
District- West Champaran.

.... Petitioner

Versus

1. The State of Bihar.
2. Salatun Nesha, Wife of Md. Sharif, resident of Mohalla- Quila, Ward No.- 20,
P.S.- Bettiah Town, District- West Champaran.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Braj Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 13-04-2018

Heard learned counsel for the petitioner and learned
counsel for the State.

2. This application under Section 482 of the Code
of Criminal Procedure has been filed by the petitioner for quashing
the first information report of Bettiah Town P.S. Case No.572 of
2017 dated 03.08.2017 registered under Sections 302 and 201 read
with 34 of the Indian Penal Code.

3. The first information report was instituted on the
basis of written report submitted by opposite party No.2, Salatun
Nesha wherein she has alleged that in June, 2011 the petitioner had
kidnapped her daughter Heena @ Salma Khatoon in respect of
which, Bettiah Town P.S. Case No.337 of 2011 dated 08.07.2011



was lodged under Sections 366 and 366-A of the Indian Penal Code against the petitioner and after investigation, charge-sheet was also submitted against him. Since then, her daughter could not be traced out. She alleged that she has come to know that the petitioner has killed her daughter and disposed of her body and now he is living with another woman in village-Tuniya.

4. The contention is that the allegations made in the first information report do not constitute any offence and, therefore, the prosecution of the petitioner in the case is unwarranted and the entire process of the investigation is an abuse of the process of law and is not going to get any fruitful result.

5. Having gone through the allegations made in the first information report, I find that the same do constitute the offences alleged. It is settled position in law that in case a cognizable offence is reported to the police it is their statutory duty to hold investigation.

6. In that view of the matter, I see no merit in this application. The application is dismissed, accordingly.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.04.2018
Transmission Date	N.A.

