

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6491 of 2018

Arising Out of PS. Case No.-166 Year-2017 Thana- MAHILA P.S. District- Nalanda

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Rajesh Kumar, Son of Lakhendra Prasad, Resident of Village- Balbapar, P.S.-
Harnaut, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sulochana Devi, D/o Raja Ram Prasad Yadav, Resident of Village- Kachra,
P.S.- Vena, District- Nalanda.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lilawati Singh

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-09-2018 This application has been preferred for quashing of

the first information report of the Bihar Mahila P. S. Case No.

166 of 2017 dated 13.09.2017 for the offences under Sections

498A, 494, 323, 341, 504, 506/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that this

first information report has been lodged only to harass the

petitioner and his family members and the case itself has been

instituted after the petitioner had already filed the divorce

petition.

Learned counsel for the State, however, submits that

at this stage investigation of the case is not required to be

interfered with because a prima facie reading of the written

complaint, which has given rise to the present case, would show



that there are allegations which if found true in course of investigation may constitute an offence.

This Court has gone through the contents of the written complaint and is of the opinion that the investigation in the present case, at this stage, cannot be intercepted. Prima facie the allegations are required to be looked into and, in case those are found correct in course of investigation, it may constitute an offence. This Court would not record any opinion at this stage and the investigation must take place dispassionately.

This application is not entertained and it is dismissed giving liberty to the petitioner to take all such pleas which may be available to him at appropriate stage.

(Rajeev Ranjan Prasad, J)

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