

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1281 of 2016

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

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1. Rima Ojha, wife of Sri Deepak Ojha and daughter of Daya Shankar Pandey
2. Rishika Kumari minor daughter of Sri Deepak Ojha
3. Rishikesh Kumar minor son of Sri Deepak Ojha
4. Diwakar Kumar, minor son of Sri Deepak Ojha
Sl. No. 2 to 4 are under the guardianship of their mother Smt. Rima Ojha.
All resident of Mohallah – Aparna Bank Colony, Ram Jaipal Nagar, Ambedkar Dental College Road, New Bailey Road, P.S. – Rupaspur, District – Patna (Bihar).

.... Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Government of Bihar, Patna
2. The Director General of Police, Bihar at Patna.
3. The Senior Superintendent of Police, Patna.
4. The Deputy Superintendent of Police, Danapur, District – Patna.
5. The Station House Officer, Rupaspur Police Station, District – Patna (Bihar).
6. Sri Vinod Kumar, Station House Officer, Rupaspur Police Station, District – Patna (Bihar).
7. Hemanti Kumari daughter of Deve Charan Singh, resident of village – Kinjar, P.O. – Kinjar, P.S. – Kinjar, District – Arwal (Bihar).
8. Ashok Kumar son of Sri Sidheshwar Prasads, resident of village & P.O. – Nagwan, P.S. – Naubatpur, District – Patna (Bihar).
9. Deepak Ojha, son of Late Shaligram Ojha
Previously resided at Aparna Bank Colony, Ram Jaipal Nagar, Ambedkar Dental College Road, New Bailey Road, P.S. – Rupaspur, District – Patna (Bihar) present address not known.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Dhanendra Chaubey, Advocate
For the Resp. No. 6 : Mr. Surendra Kr. Singh, Advocate
Ms. Sudha Chandra, Advocate
For the State : Mr. Apurva Kumar, A.C. to G.A.4

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date: 31-08-2018

Heard learned counsel for petitioners and
learned counsel for the respondents.



2. The grievance of the petitioner is that while she had made complaint with the Rupaspur Police Station on 05.06.2016 about the conduct of respondent nos. 7 to 9, the police authorities did not take care of her complaint, as a result of which, the petitioner along with her three minor children were compelled to leave the house and behind her back the private respondents took illegal occupation or possession of the house.

3. The facts, as disclosed in the writ application, would show that the petitioner is claiming that she was in peaceful possession of the house which was standing in the name of her mother-in-law, and in support of which there was an understanding reached with her husband that a portion of the house will belong to the petitioner and the minor children. Some affidavits and documents showing family arrangement to that extent have been brought on record.

4. It is submitted that later on she came to know that her husband had sold out the house to the private respondents. It is submitted that action be taken against the police authorities for not entertaining the complaint lodged by this petitioner on 05.06.2016, because of which she was forced to leave the house on 06.06.2016.

5. Contesting the submissions of learned counsel representing the petitioner, learned counsel for the



State as well as private respondent no. 6 submit that what has not been brought to the notice of this court is that by virtue of the sale deed executed by the husband of this petitioner in the year 2012 itself, the private respondents were given possession of the house and when the police went to enquire into the matter pursuant to the complaint lodged by this petitioner the private respondents had produced the papers showing title of house in their favour. The private respondents were also in possession of the property and it is only at a later stage the petitioner has come out with the allegations that behind her back the private respondents have entered into the house.

6. Having heard learned counsel for the parties and on perusal of the records this court finds that admittedly there is a sale deed of the house standing in the name of the private respondents, the petitioner is said to have challenged the said sale deed in a title suit which is still pending consideration. It is not in dispute that according to the deed the private respondents were put in possession of the house in question by the husband of the petitioner.

7. It is further found from the records that pursuant to the complaint lodged by the petitioner the Investigating Agency has registered F.I.Rs. and have also submitted certain charge-sheets after some investigation



into the matter. The grievance of the petitioner is that with respect to the complaint dated 05.06.2016, no complaint has been lodged, but given the facts and circumstances of the case, which are evident from the materials available on the record, this court cannot entertain the kind of dispute in the present writ application.

8. This writ application is thus disposed off giving liberty to the petitioners to seek their remedy before the appropriate court and in appropriate jurisdiction in accordance with law.

(Rajeev Ranjan Prasad, J)

Rajeev/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	31.09.2018
Transmission Date	31.09.2018

