

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.166 of 2017

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

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Heera Devi @ Nirmala Devi, W/o Late Umashankar Rai, Resident of Village-Dahiya, P.S. Bhagwanpur, District- Begusarai, at present Bangalipara Rajgir, P.S. Rajgir, District- Nalanda.

.... Petitioner

Versus

1. The State of Bihar.
2. The Director General of Police, Patna.
3. The Superintendent of Police Nalanda.
4. The Officer-in-Charge, Rajgir Police Station Nalanda, District- Nalanda.
5. Pushpa Kumari, D/o Late Ram Sreshta Singh, resident of Village Hasanpur, P.S. Teghra, District- Begusarai, at present resident of Village Dahiya, P.S. Bhagwanpur, District- Begusarai.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Manish Kumar, Advocate.

For the Respondent/s : Mr. (A.P.P.)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 29-03-2018

The petitioner, in this case, is said to be a senior citizen, aged about 80 years. She is a widow who claims that she is living separately and alone at her residence at Bengali Para, Rajgir in the district of Nalanda. It is said to be her residential property which exclusively belongs to her. She has a grievance against her daughter-in-law, who is not on good terms with the petitioner and her son. The petitioner has impleaded her daughter-in-law as the respondent no. 5 in the present Writ Application. She has narrated pointing out the statements made in Annexure-3 to the Writ Application, which is an



application addressed to the Chairman, Human Rights Commission, Bihar, Patna, whereunder she has alleged that the respondent no. 5 entered in the Rajgir residential premises on 23.10.2016 along with 4-5 unknown miscreants, abused the petitioner and threatened her.

2. A perusal of Annexure-3 would give an impression to this Court that while the petitioner is trying to establish her own exclusive right and possession over the Rajgir residential house, the respondent no. 5 is also claiming some sort of interest in the said property by virtue of her being the daughter-in-law of the petitioner.

3. The petitioner wants this Court to direct the State respondents to lodge an F.I.R. and, at the same time, to restrain the respondent no. 5 from creating unnecessary disturbance to the petitioner at her residence. The petitioner also seeks a direction to the State respondents to protect her life and liberty.

4. Learned counsel for the State is present and submits that there seems to be an *inter-se* dispute between the petitioner and the respondent no. 5 because of the matrimonial issues which have arisen since last few years.

5. Having heard learned counsel for the petitioner as also learned counsel representing the State, this Court is of the considered opinion that the issue as regards the right claimed by the petitioner over the Rajgir residential property in exclusion to respondent no. 5



cannot be adjudicated by a Constitutional Court sitting in its writ jurisdiction. This Court would, therefore, not go into the merits of the submissions as regards the right, title and possession of the petitioner or the right of the respondent no. 5.

6. This Court is also not willing to direct registration of an F.I.R. for the simple reason that the petitioner has directly moved this Court with such a prayer without approaching the regular court constituted for this purpose and vested with the powers, particularly the one U/S 156(3) Cr.P.C. whereunder petitioner may have a remedy.

7. So far as the prayer of the petitioner for a direction to the State authorities to protect her life and liberty is concerned, she being a senior citizen, aged about 80 years, would certainly be entitled for such protection within the framework of the Constitution of this country.

8. Without entering into the merits of the allegations or submissions made on behalf of the petitioner, I would direct the Superintendent of Police, Nalanda and the Officer-in-charge, Rajgir Police Station, Nalanda to find out the threat perception to this petitioner and, in case it is found that she has got any threat to her life and liberty from any person whosoever he may be, both the Superintendent of Police, Nalanda and the Officer-in-charge, Rajgir Police Station, Nalanda shall ensure that no physical harm is caused to



the petitioner from any anti-social-elements.

9. The Writ Application is disposed of with the observations and directions here-in-above.

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
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