

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.863 of 2016

=====

Murari Kumar, S/O Sri Tarni Prasad Yadav, Resident of
Village- Jai Prakash Nagar, Ward No. 2, P.S. & District
Khagaria

.... Petitioner

Versus

1. The State of Bihar through the Superintendent of Police
Khagaria.

2. Vijay Singh Goutam, S/O Mahendra Narayan Singh,
Resident of Village- Bouse, P.S. Choutam, District Khagaria at
present residing at Mohalla- Hajipur, Ward No. 20, P.S. and
District: Khagaria.

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Subodh Kr. Jha, Advocate
Mr. Pranav Kumar Jha, Advocate
Mr. Roahsan Kr. Mishra, Advocate
For the Respondents : Mr. Partha Sarthi, GA-4

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

8. 14-09-2018

This application has been preferred seeking
quashing of the First Information Report bearing
Khagaria Sadar P.S. Case No. 500/2015 instituted under
Sections 467, 468, 471, 420 and 120B of the Indian
Penal Code.

Learned counsel for the petitioner submits
that in the present case the nature of dispute is that of a
purely civil nature. The land in question has been sold by
the owner of the land, whereas the person, who had
earlier been granted a power of attorney but the same
was not valid when the sale deeds were executed by the
owner, had also executed such sale deeds.

It is submitted that a title suit in this regard



has also been filed. Learned counsel for the petitioner has filed a reply to the counter affidavit filed today. A copy of the 164 Cr.P.C. statement of the owner has been placed on record.

Mr. Subodh Kumar Jha, learned counsel representing the petitioner submits that in the facts and circumstances of the case the F.I.R. is fit to be quashed.

However, learned counsel representing the State submits that it is not a case of purely civil nature inasmuch as it will appear from the allegations made in the First Information Report that there are some elements of criminality involved and at this stage the matter is being investigated by the police, this court need not interfere with the same.

Having heard learned counsel for the parties and on perusal of the record, this court is of the opinion that in the given facts and circumstances, this court cannot go into the various documents enclosed with the petition and affidavits filed by the petitioner and upon examining the same take a view. The investigation is still going on. The Senior Superintendent of Police, Khagaria is directed to take a review of the matter every month, find out the developments which have taken place within the month and ensure that the investigation is finally finished within a period of 90 days from today. It is to be



kept in mind that the F.I.R. was lodged as back as on 27.07.2015 and more than three years have already gone. If the Code of Criminal Procedure does not provide for the outer limit within which the investigation is to be completed, it does not mean that the investigating agency shall remain sitting over the investigation for a long time. If the investigation is not completed and report is not submitted in the court below by the investigating agency within the aforesaid period of 90 days, the petitioner shall be free to move this court in a contempt proceeding.

This application stands disposed off.

(Rajeev Ranjan Prasad, J)

Rajeev/-

U		T	
---	--	---	--

