

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.941 of 2018

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1. Sunil Rai, Son of Shri Ram Bilash Rai, Resident of village- Sandha, P.S.- Chapra Muffasil, District- Saran at Chapra.
 2. Amrendra Kumar Singh @Amrendra Singh, Son of Shri Awadhesh Singh @ Awadhesh, Resident of Village- Uma Nagar Sandha, P.S.- Chapra Muffasil, District- Saran at Chapra.
 3. Harendra Kumar Rai alias Harendra Rai, Son of Chait Rai, Resident of village- Sandha, P.S.- Chapra Muffasil, District- Saran at Chapra.
 4. Pappu Kumar Rai @ Pappu Rai, Son of Parbhu Rai, Resident of village- Sandha, P.S.- Chapra Muffasil, District- Saran at Chapra.
 5. Ajay Kumar Yadav @ Ajay Kumar, Son of Ram Surat Yadav, Resident of village- Uma Nagar Sandha, P.S.- Chapra Muffasil, District- Saran at Chapra.
 6. Ruchi Singh @ Ruvi Kumari, Wife of Amrendra Singh @ Amrendra Kumar Singh, Resident of village- Uma Nagar Sandha, P.S.- Chapra Muffasil, District- Saran at Chapra.
 7. Birendra Rai, Son of Ram Ashray Rai, Resident of Village-Sandha, PS- Chapra Muffasil, District-Saran at Chapra.
 8. Arbind Kumar alias Munna Rai, son of Ram Kishun Rai, R/o Village- Sandha, PS-Chapra Muffasil, District-Saran at Chapra.
 9. Daya Shankar Prasad @ Daya Shankar Rai @ Dayashankar, Son of Jamuna Rai, Resident of village- Sandha, P.S.- Chapra Muffasil, District- Saran at Chapra
 10. Bittu Rai, Son of Shailesh Kumar Rai, Resident of village- Uma Nagar Sandha, P.S.- Chapra Muffasil, District- Saran at Chapra.
 11. Prem Kumar Sharma, alias Prem Sharma, son of suraj Sharma alias Surat Sharma, Resident of Mohalla-Dahiyawan, PS-Chapra Town, Police Station, District-Saran at Chapra.
 12. Abhay Kumar Singh alias Kabli Singh, Son of Devi Dayal Singh, Resident of village- Uma Nagar Sandha, P.S.- Chapra Muffasil, District- Saran at Chapra.
 13. Mithilesh Rai, Son of Tuntun Rai, Resident of Village- Sandha, P.S.- Chapra Muffasil, District- Saran at Chapra.
 14. Pintu Kumar, son of Late Brij Bihari Kunwa, Resident of Village-Uma Nagar Sandha, PS-Chapra Muffasil, District-Saran at Chapra.
 15. Pradeep Thakur, son of Late Surendra Thakur, Resident of Village- Salempur, PS-Chapra Town Police Station, District-Saran at Chapra.
 16. Mukesh Kumar Singh alias Kundan, Son of Krishna Kumar Singh, Resident of village- Uma Nagar Sandha, P.S.- Chapra Muffasil, District- Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Home Department, Government of Bihar, Patna.
2. The Director General Police, Bihar, Patna.
3. The Inspector General of Police, Saran Range, Saran at Chapra.
4. The Deputy Inspector General of Police, Saran Range, Saran at Chapra.
5. Superintendent of Police, Saran At & P.O- Chapra, District- Saran.
6. The Station House Officer, Chapra Muffasil Police Station, District-



Saran.

7. Sri Prasuram Rai, Sub-Inspector, Chapra Muffasil Police Station being Investigating Officer of Chapra Muffasil P.S. Case No. 48 of 2018.

8. Rajendra Ojha, son of late Bhatmal Ojha, Resident of Village-Dhangarha, PS-Baniapur, District-Saran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar

For the Respondent/s : Mr. Manish Kumar (Gp 4)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 29-10-2018 Petitioners in the present case are seeking quashing of the First Information Report being Chapra Muffasil P.S. Case No. 50 of 2018 registered under various provisions of the Indian Penal Code.

Learned counsel for the petitioners submits that after lodging of the First Information Report now the informant has submitted an affidavit that he had not lodged the case and has in fact, come out with a case of compromise with the accused. It is thus, submitted that in view of the compromise now the First Information Report may be quashed. It is further pointed out that on the basis of compromise the petitioner no. 10 has been acquitted by the learned trial Court.

Learned counsel for the State has however opposed the prayer for quashment of the First Information Report on the grounds inter-alia that a bare perusal of the written complaint



would show that there are serious allegations of demand of Rangdari and preparation of forged land documents against the petitioners. It is submitted that these petitioners have been described as members of a Gang who are indulged in preparing forged documents of land and then making their claim over the land against the true owner of the land. They have also been allegedly involved in Rangdari and, therefore, in the nature of the allegations, it will not be just and proper to quash the First Information Report. It has been further submitted that after lodging of the First Information Report the informant has either been won over or has been forced to sign an affidavit showing compromise.

Having heard learned counsel for the parties and on perusal of the records, this Court is of the considered opinion that in the given nature of the allegations, the present F.I.R. cannot be quashed even if there is a settlement allegedly with the informant. The allegations are required to be investigated because they are serious in nature. It is well settled in law that a mere compromise would not result in automatic quashment of a First Information Report. It depends upon the facts and circumstances of a particular case where this Court would like to exercise its inherent jurisdiction to quash an First Information Report, moreover one of



the petitioners (petitioner no. 10) has already participated in trial and said to have been acquitted, if it is so, prayer for quashing of F.I.R is wholly misconceived.

This Court is, therefore, not inclined to quash the First Information Report. Let the investigation of the case must be concluded at the earliest and in any case within 90 days from the date of receipt/production of a copy of this order. The Superintendent of Police, Saran, shall ensure proper investigation.

The application stands disposed off.

(Rajeev Ranjan Prasad, J)

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