

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.493 of 2017

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

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Meena Sinha, W/o Late Vinay Kumar Sinha, Resident of Rukunpura, behind of
Arvind Interprises, P.S.- Rupaspur, Patna.

.... Petitioner

Versus

1. The State of Bihar.
2. The Director General of Police-cum-Inspector General of Police.
3. The Inspector General of Police, Bihar, Patna.
4. The Deputy Inspector General of Police, Patna Range, Patna.
5. Senior Superintendent of Police, Patna.
6. The District Magistrate, Patna.
7. The Sub-Divisional Officer, Danapur, Patna.
8. Station House Officer, Rupaspur Police Station, Patna.
9. Renu Kumari, D/o Late Baliraj Rai, New Purandarpur, Near Bharat Lal Tent House, Patna-1. at present Rukanura, Behind Arbind Interprises, P.S.- Rupaspur, Patna.

... Respondents

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Appearance :

For the Petitioner/s : Mr. Sandeep Kumar, Advocate
For the Respondent/s : Mr. P.N. Shahi, Sr. Advocate
For the State : Mr. Nadeem Seraj, GP-5

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date: 04-01-2018

Heard Sri Sandeep Kumar, learned counsel for the
petitioner, Sri P.N. Shahi, learned senior counsel for the
respondent No. 9 and learned counsel for the State.

What could have at best been a case of eviction
suit has been brought before this court by way of a criminal
writ application. It is evident from the prayer made in
paragraph-1 of the writ application wherein the petitioner is
seeking a writ of mandamus to the respondents to take proper
action against respondent no. 9 to evict her from the house of



the petitioner. It is alleged that the respondent no. 9 is illegally occupying the house of the petitioner and is doing some illegal criminal act in the said house and is also threatening the petitioner.

During the pendency of the writ application, an Interlocutory Application being I.A. No. 1889/2017 has been filed, wherein the petitioner, has prayed for, amending the prayer in the main writ application. At this stage, when the matter is taken up, Mr. Sandeep Kumar, learned Advocate representing the petitioner submits that he would not press the reliefs as prayed in the main writ application and would confine himself to a limited prayer made in the Interlocutory Application, which is in the nature of an amendment petition. He submits that, in the amendment application, he has stated that the police has registered Rupaspur P.S. Case No. 87/2017 under Sections 384, 427, 379, 506/34 of the Indian Penal Code. He only wants a proper investigation to be conducted in the matter by police and a final report be submitted within a reasonable time.

On the other hand, learned counsel representing the State submits that in fact the dispute, in the present case, is between house owner and the tenant. The respondent no. 9



in this case is a tenant whereas the petitioner seeks eviction of respondent no. 9 from her house which was admittedly rented out to respondent no. 9 for running a school. There are certain disputes over to give and take of money as well.

Sri P.N. Shahi, learned senior counsel for the respondent no. 9 would submit that a bare perusal of Annexure-A/9 to the counter affidavit filed on behalf of respondent no. 9 would show that earlier this petitioner had filed a complaint in the helpline of District Administration, Patna, which was registered as Case No. 659/2015. The petitioner as well as respondent no. 9 were called upon by the Project Manager, Helpline and the Counsellor Helpline, Patna. A discussion took place there with an intention to resolve the disputes. A perusal of the report in this regard dated 28.09.2015 (Annexure-A/9) clearly demonstrate that the stand of respondent no. 9 is that she would be ready and willing to vacate the premises, if the petitioner refunds the money which she had taken from respondent no. 9.

In the facts and circumstances stated hereinabove, I am of the considered opinion that there is nothing for adjudication in the present criminal writ application. The parties have got certain disputes and the stand of either parties



are not subject to adjudication here in the present case.

The fact that a criminal case has been registered, as stated in the Interlocutory Application filed on behalf of the petitioner, has not been disputed by the State and the respondent no. 9.

In the opinion of this Court, if an F.I.R. has been registered, the police authorities are obliged to conclude the investigation within a reasonable period and submit a final report based upon such investigation. It is expected that the criminal case shall be taken to its logical end by the police authorities by concluding the investigation, if not concluded, within a reasonable time preferably within a period of six months from the date of receipt/production of a copy of this order and submit a report in this regard in the appropriate court of law. This court has not expressed any opinion on the contention of either parties.

This Writ Application as well as Interlocutory Application No. 1889/2017 stand disposed of, accordingly.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

AFR/NAFR	NAFR
CA V DATE	NA
Uploading Date	05.01.2018
Transmission Date	NA

