

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4778 of 2017

Arising Out of PS.Case No. -16 Year- 2016 Thana -MAKHDUMPUR District- JEHANABAD

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Nand Kishore Singh son of Late Nathun Singh, resident of village + P.O.-Bhairab,
P.S.-Makhdumpur, District- Jehanabad

.... Petitioner/s

Versus

1. State of Bihar
2. Krishna Kumar Mohan son of Mahabir Singh, P.O.-Tilkae, P.S.-Makhdumpur,
District - Jehanabad

.... Opposite Party/s

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Appearance :

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

For the State : Mr. Parmanand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date: 30-01-2018

This application under Section 482 of the Code of Criminal Procedure (for short 'the Cr.P.C.') has been filed by the petitioner for quashing the first information report (for short 'the FIR') of Makhdumpur P.S. Case No.16 of 2016 under Sections 379 and 461 of the Indian Penal Code.

2. The challenge to the FIR has been made simply on the ground that since the case was registered against unknown and in course of investigation the investigating officer did not find any material against the petitioner, the FIR should be quashed.

3. Having perused the FIR of Makhdumpur P.S. Case No.16 of 2016 registered on 18.01.2016, as contained in Annexure-1 to the present application, I find that ingredients of a cognizable offence are clearly attracted.



4. In my opinion, the point taken by the petitioner is thoroughly misconceived. In case a cognizable offence is reported to the police even against unknown person, it is the bounden duty of the S.H.O. of the police station to institute an FIR and investigate the same. It is immaterial as to whether the allegations made in the FIR are found true or false during investigation against a particular person. If the police would find no truth behind the allegations, it would be open to the investigating officer to submit final report before the court, but on that ground alone, the FIR cannot be quashed by this Court in exercise of powers conferred under Section 482 of the Cr.P.C.. Further, since the petitioner is not named in the FIR and the case has been registered against unknown and, as urged, his culpability has not been found by the police during investigation, there is no reason as to why he would seek quashing of the FIR

5. The application, being misconceived and devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

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