

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15983 of 2017

Arising Out of PS.Case No. -10 Year- 2017 Thana -RUNISAIDPUR District- SITAMARHI

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Rambha Kumari wife of Rakesh Kumar Pandey, resident of village- Gaighat, P.S.-
Runni Saidpur, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ram Dayal Pandey son of Late Devnandan Pandey, resident of village- Gaighat,
P.S.- Runni Saidpur, District- Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Advocate
: Mr. Ranjit Kumar Thakur, Advocate
For the Opposite Party No.2 : Mr. Sanjay Kumar No.7, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 10-04-2018

Heard learned counsel for the petitioner and learned counsel
for the State.

2. This application under Section 482 of the Code of Criminal Procedure has been filed by the petitioner for setting aside the first information report of Runnisaidpur P.S. Case No.10 of 2017 for the offences punishable under Sections 302 read with 34 and 120B of the Indian Penal Code (for short 'the IPC').

3. It is submitted by the learned counsel for the petitioner that a false and concocted complaint was filed by one Ram Dayal



Pandey, father-in-law of the petitioner, alleging that she was instrumental in killing of his son. The complaint was referred to the police under Section 156(3) of the Cr.P.C. pursuant to which an FIR has been registered. It is submitted that the instant case has been filed four months after the alleged occurrence of offence for which she herself had earlier instituted Runnisaidpur P.S. Case No.318 of 2016 dated 04.08.2016 which was registered under Sections 364, 302 and 201 read with 34 of the IPC.

4. The report called for from the court below regarding stage of Runnisaidpur P.S. Case No.10 of 2017 and Runnisaidpur P.S. Case No.318 of 2016 suggests that both the cases are still under investigation. Apparently, the allegations made in both the cases are not one and the same. They are in the nature of counter version. The case in which the petitioner is being prosecuted, the informant has alleged that she was instrumental in murder of his son.

5. Since the case is still under investigation, it would not be proper for this Court to give any finding regarding the truthfulness or falsity of the same. This has to be looked into by the police as statutory powers of investigation in a cognizable case are vested upon them. At this stage, it would also not be proper for this Court to consider the defence of the petitioner in order to quash the proceeding in exercise of powers conferred under Section 482 of the Cr.P.C.



Once the investigation is completed, the jurisdiction of the court starts. After filing of the report under section 173(2) of the Cr.P.C., it would be open to the Magistrate to apply his mind in order to ascertain as to what treatment is to be given to the outcome of police investigation.

6. In my considered opinion, no relief can be granted to the petitioner at this stage. The application is dismissed, accordingly.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
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