

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1470 of 2018

Arising Out of PS. Case No.-171 Year-2016 Thana- DAUDPUR District- Saran

Mohammad Ali son of Gul Mohammad, R/o village- Dhanchua, P.S.-
Maharajganj, District- Siwan

... .. Petitioner

Versus

1. The State Of Bihar Through The Principal Secretary, Home Department,
Government Of Bihar Patna

2. Noor Saba Khatoon, D/o Late Dr. Idris, W/o Mohammad Ali, R/o village-
Kohara, Bazar, P.S.- Daudpur, District- Saran at Chapra

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Amir Alam

For the Respondent/s : Mr. Md. N.H. Khan (Sc-1)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 04-10-2018 The petitioner is the husband of private respondent
no. 2. He is seeking quashing of the first information report
giving rise to Daudpur P. S. Case No. 171 of 2016 dated
18.12.2016 for the offences under Sections 498(A), 323 of the
Indian Penal Code read with Sections 3 / 4 of Dowry
Prohibition Act.

Learned counsel for the petitioner submits that the
first information report has been lodged with a malafide
intention to harass the petitioner after three months from the
date the private respondent appeared in the divorce proceeding
brought by this petitioner. Learned counsel submits that the
allegations made in the first information report are false,
concocted and baseless and liable to be quashed.



Learned counsel representing the State submits that there are prima facie allegations against the petitioner in the first information report, the investigation is still going on and at this stage it could not be just and proper to quash the first information report sitting in writ jurisdiction under Article 226 of the Constitution of India.

Having heard learned counsel for the parties and on perusal of the records, this Court finds that there are certain allegations in the first information report which are still under investigation. At this stage, this Court would not exercise its extra ordinary writ jurisdiction in the facts and circumstance of the case.

Learned counsel for the petitioner submits that there is chance of settlement between the parties. This Court would not express any opinion on the submission. However, it is open for the parties to settle their dispute, if so desired.

This application is, thus, dismissed.

(Rajeev Ranjan Prasad, J)

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