

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.243 of 2019

Arising Out of PS. Case No.-14 Year-2010 Thana- RAJNAGAR District- Madhubani

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Rajesh Kumar @ Rajesh Kumar Jha, age 45 year (M), S/o Sadanand Jha
Resident of Village- Belhwar, P.S.-Rajnagar, Distt.-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through The Director General of Police, (Home), Bihar, Patna
2. The District Magistrate, Madhubani
3. The Superintendent of Police, Madhubani.
4. The Officer-in-charge, Rajnagar Police Station, Distt.- Madhubani.
5. Manisha Devi, D/o Late Sajjan Kumar Jha, Resident of Pandaul, Buddhan Jha Tola P.S.-Pandaul, Distt.-Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kripa Nand Jha, Advocate
For the Respondent-State:		Mr. M. N. Huda Khan, SC-1
		Mr. Babita Kumari, AC to SC-1

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT
Date : 01-02-2019

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

2. This writ petition has been filed by the petitioner
for quashing the Rajnagar P.S. Case No. 14 of 2010 registered
under Section 498-A of the Indian Penal Code and Section 3 and
4 of the Dowry Prohibition Act.



3. The first information report has been instituted by one Manisha Devi, who has alleged that she was married to the petitioner on 27.11.2009 as per the Hindu Rites and Customs. After marriage, her *Duragman* was scheduled to be held on 30.11.2009. However, a pre-condition was imposed that unless Rs.1 lakh in cash and a motorcycle is given in dowry, her *Duragman* would not be performed. Since the alleged demand could not be fulfilled, she was never taken to her matrimonial home.

4. It is submitted by the learned counsel for the petitioner that earlier the petitioner had filed Cr. Misc. No.754 of 2014 for quashing of the first information report, but the same was not allowed. Subsequently, the petitioner filed an application for grant of pre-arrest bail vide Cr. Misc. No.15790 of 2015, which was dismissed vide order dated 08.02.2016. Till date, the investigation has not been completed. He submitted that since the petitioner has not granted pre-arrest bail, the police are harassing him. According to him, by now, the informant has married another person and is not interested in prosecuting the petitioner any more.

5. *Per contra*, learned counsel appearing for the State submitted that the prayer made in the writ petition is



totally misconceived. The petitioner is evading arrest after his application for grant of pre-arrest bail was dismissed by this Court. She submitted that the petitioner had earlier moved for quashing of the first information report also, which too was dismissed by this Court. The petitioner did not prefer any appeal before the Hon'ble Supreme Court of India against the said order. Hence, the order passed by this Court has attained finality. Under such circumstance, the instant application for quashing the entire proceedings of Rajnagar P.S. Case No.14 of 2010 is impermissible in law.

6. I have heard learned counsel for the parties.

7. Admittedly, the investigation of the case is still in progress. The petitioner is evading arrest. His application for quashing the first information report has already been dismissed by this Court long back. He has not preferred any appeal against the said order before the Hon'ble Supreme Court of India.

8. In that view of the matter, learned counsel for the State has rightly submitted that the order passed by this Court has attained finality. There is no change of status of the case, as after the application of the petitioner vide Cr. Misc. No.15790 of 2015 was dismissed by this Court on 08.02.2016. The case is still pending investigation.



9. In that view of the matter, I see no merit in this application. It is dismissed, accordingly.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.02.2019
Transmission Date	05.02.2019

