

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1320 of 2018

Arising Out of PS. Case No.-1742 Year-2015 Thana- SARAN COMPLAINT CASE District-
Saran

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Damodar Singh, Son of Late Bhikar Singh, Permanent resident of Village and
Post Fakuli, Dakhin Tola, P.S.- Chapra Muffasil, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through Director General of Police, Old Secretariat Patna,
2. The Inspector General of Police, Saran Range, Saran.
3. The District Magistrate, Saran.
4. The Superintendent of Police, Saran at Chapra.
5. The Sub-Divisional Police Officer, Saran at Chapra.
6. Inspector-cum-S.H.O. Bhagwan Bazar Police Station, Saran.
7. Inspector-cum-S.H.O. Muffasil Police Station Saran.
8. Triloki Singh, Son of Late Sitaram Singh, Resident of Village- Fakuli South
Tola near Naini Village, P.S.- Muffassil, District- Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Damodar Singh, (In Person)
For the Respondent/s : Mr.Sheo Shankar Prasad,SC-8

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 19-02-2019

Heard Mr. Damodar Singh, in person. He has made
several prayers in the instant writ petition.

2. The prayers made by him in para-1 of the
writ petition are as under:-

(i) For passing a direction to
investigate the case through the C.B.I.

(ii) For a direction to take
action against the Inspector-cum-S.H.O
Muffssil Police Station, Saran who in



collusion with his enemies trying to prove the petitioner as mentally ill or declaring mad.

(iii) To direct the court below to expedite the trial of Complaint Case No. 1742 of 2015.

(iv) To direct the respondents no. 1 to 7 to expedite the investigation in the Complaint Case No. 1742 of 2015 and immediately arrest the accused persons in connection with Complaint Case No. 1742 of 2015 dated 18.06.2015.

(v) To direct the Superintendent of Police, Saran (respondent no.4) to give protection to the petitioner because the investigating officer (Inspector-cum-S.H.O) Muffssil Police Station, Saran of this case is trying to prove the petitioner as mentally sick.

(vi) To conclude the investigation of this case at the earliest.

(vii) For issuance of any other



writ/writs, order/orders, direction/directions
as may be proper.

3. The petitioner submits that he was married to one Kanti Devi. Out of and from the said marriage, they had one son namely, Amit Kumar, who was a student of a technical institute in Jalandhar, Punjab. His wife Kanti Devi divorced him and was residing with ante-social elements. Amit went to meet his mother, but went missing. He has a feeling that he has been killed by liquor mafia in Chouri Choura, Devaria, Uttar Pradesh. However, his body could not be traced. He submits that a complaint was filed in the court of Chief Judicial Magistrate, Chapra, vide Complaint Case No. 1742 of 2015 in respect of the suspected killing of his son, but nothing has happened till date despite lapse of over three years from the date of filing of the complaint. He submits that in view of the suspicion raised by him, it was the duty of the police to have investigated the case and brought the culprits involved in commission of murder of his son to book.

4. Learned counsel appearing for the State submitted that the writ petition is totally misconceived. From perusal of the petition, as contained in Annexure-1 to the present application, it would appear that no complaint under Sections



190 and 200 of the Code of Criminal Procedure (for short 'Cr.P.C') has been filed by the petitioner in the court of Chief Judicial Magistrate rather a informatory petition in terms of Section 39 of the Cr.P.C, was filed in the court of Chief Judicial Magistrate, vide Complaint Case No. 1742 of 2015 in absence of any complaint or first information report, the prayer of the petitioner to direct investigation to be conducted either by the C.B.I or by the S.H.O Muffasil Police Station or expedite the trial of the complaint case are totally misdirected.

5. I have heard the parties and perused the record.

6. I find force in the submission of learned counsel for the State. Till date the petitioner has neither filed any complaint under Sections 190 and 200 of the Cr.P.C before the court of Magistrate nor has submitted any written or oral information to the police in respect of any cognizable offence. He has filed an application in the court of Chief Judicial Magistrate under Section 39 of the Cr.P.C. In absence of there being any complaint or police case pending before the court or the police, there cannot be any question of issuing any direction for speedy inquiry or investigation. That apart, what ever has been submitted by the petitioner before the court, gives an



impression that he suspects murder of his son within the territorial jurisdiction of Chouri Choura Police Station falling Dewaria district of Uttar Pradesh. In case, any offence has taken place outside the State of Bihar, the police or the court at Chapra would have no territorial jurisdiction.

7. In view of the discussions made above, I see no merit in this writ petition. The wtiy petition is nothing but an abuse of the process of the Court. It is dismissed, accordingly.

(Ashwani Kumar Singh, J)

Sushma/SKSuman.

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.02.2019
Transmission Date	21.02.2019

