

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.411 of 2019

Arising Out of PS. Case No.-78 Year-2017 Thana- MAHILA P.S. District- Patna

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Sachin Kumar Gupta Son of Late Laxmi Narayan Gupta, Resident of Mohalla- Padari Ki Haveli, Ward No. 65, Bijli Office Ki Gali, Near Chaandi Ki Devi, P.S.- Khajekalan, District- Patna.

... .. Petitioner/s

Versus

1. D.G.P.-Cum-I.G. Of Police, Govt. of Bihar, Old Secretariat, Patna
2. Senior Superintendent of Police, Patna.
3. Officer-In-Charge, Mahila Police Station, Patna
4. Archana Kumari Sinha, Sub-Inspector, Mahila Police Station, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Deepak Kumar, Advocate
For the Respondent/s : Mr.Partha Sarthy, GA-4

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 22-02-2019

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

2. This writ petition has been filed by the petitioner for directing the respondent nos. 1 to 3 to do scientific investigation of Mahila P.S. Case No. 78 of 2017 registered under Sections 376, 384, 379 and 506 read with 34 of the Indian Penal Code.

3. The contention of the petitioner is that a false and fabricated case has been instituted against the petitioner by the informant, which requires a thorough investigation. Prior to the institution of the FIR, the informant had filed a petition



before Senior Superintendent of Police and Mahila Police Station, but while instituting the instant case, she has grossly developed the story from her previous complaint. The informant of the case is unnecessarily trying to blackmail and exploit the petitioner.

4. Per contra, learned counsel appearing for the State submitted that the allegations made in the FIR are quite serious. The informant is a widow. The allegation is that on the pretext of marrying her, the petitioner established physical relationship with her and got intimate moments recorded and, thereafter, exploited her on the pretext of making the video film viral. He contended that since the case is under investigation, at this stage, it would not be proper for this court to issue any direction.

5. I find substance in the submissions of learned counsel for the State.

6. Once a cognizable offence is reported to the police and an FIR is instituted, the investigation is within the exclusive domain of police. At this stage, the court has no role to play. Neither the informant nor the accused has any right to ask the court to direct for investigation of any case by the police in a particular manner. The role of the court would start only



after the investigation would be over and a report would be submitted in the court under Section 173 of the Code of Criminal Procedure.

7. In that view of the matter, writ petition is dismissed.

(Ashwani Kumar Singh, J)

Md. S/SKSuman.

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