

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.612 of 2019

Arising Out of PS. Case No.-169 Year-2018 Thana- JANDAHA District- Vaishali

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Veena Kumari aged about 53 years, Female wife of Late Chandeshwar Prasad Singh Resident of Village- English Khajwata, Police Station- Bidupur, District- Vaishali.

... .. Petitioner

Versus

1. The State Of Bihar through the Home Secretary (police), Bihar, Patna
2. The Director General Of Police, Bihar, Patna.
3. The Deputy Inspector General of Police, Tirhut Range, Muzaffarpur.
4. The Superintendent of Police, Vaishali.
5. The Sub- Divisional Police Officer, Mahua, District- Vaishali.
6. The Officer- In- Charge of Jandaha Police Station, District- Vaishali

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Binod Kumar, Advocate
For the Respondent/s	:	Mr.Md. Nadim Seraj, GP-5
		Mr. Iqbal Asif Niazi, AC to GP-5

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT
Date : 16-04-2019

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

2. In the instant writ petition preferred under Articles 226 and 227 of the Constitution of India, a prayer has been made to direct the respondent-authorities to submit charge sheet against the accused persons named in the first information



report (for short 'FIR') after conducting proper investigation.

3. Learned counsel for the petitioner has submitted that the petitioner is the informant of Jandaha P.S. Case No. 169 of 2018 registered under Sections 363 and 365/34 of the Indian Penal Code on 14.07.2018 against five named accused persons for abduction of her only son Durga Sharan. The victim was recovered on the very next date and his statement was recorded under Section 164 of the Code of Criminal Procedure. However, since then, the investigation is pending. He has contended that the accused persons named in the FIR are very influential in the locality and, hence, no action is being taken by the police against them.

4. On the other hand, learned counsel for the State submitted that the case instituted by the petitioner is being investigated by the police. Referring to the writ petition itself, he has submitted that after filing of the FIR, a complaint case has been brought against the petitioner's family by the daughter of one of the accused persons. The said complaint has been instituted under Section 498A of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act against the son of the petitioner in the court of Chief Judicial Magistrate, Vaishali at Hajipur. The learned Magistrate has also taken cognizance of



the offence and summoned the son of the petitioner in the said case. He has submitted that from the pleadings of the petitioner itself, it would be manifest that on the one hand, the petitioner is alleging abduction of his son and, on the other hand, one of the abductors' daughter is claiming herself to be wife of alleged victim, son of the petitioner and daughter-in-law of the petitioner. He has contended that at this stage, it would not be appropriate for this court to issue any direction for submission of charge sheet against the accused persons named in the FIR.

5. Having heard learned counsel for the parties and carefully perused the record, I am of the opinion that investigation into a cognizable offence is in the domain of the police. At the stage of investigation, the court cannot direct the police to submit charge sheet against anyone. The submission of charge sheet would depend on outcome of the investigation. In that view of the matter, the prayer made by the petitioner cannot be allowed. However, a sensitive and committed investigation is a must in every criminal case. In absence of sensitive and committed investigation, it would be very difficult to arrive at the truth. It is expected that the police will conduct the investigation of the case and submit their report before the court without any delay.



6. With the aforesaid observations, the writ
petition is disposed of.

(Ashwani Kumar Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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