

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.685 of 2019

Arising Out of PS. Case No.-83 Year-2017 Thana- JANDAHA District- Vaishali

Mithilesh Singh, son of Late Jagdish Prasad Singh, Resident of Village -
Desri, P.S.- Desri, Distt.- Vaishali.

... .. Petitioner

Versus

1. The State of Bihar through the Secretary, Department of Home (Police), Government of Bihar, Patna.
2. The Inspector General of Police, Muzaffarpur Range, Muzaffarpur.
3. The Deputy Inspector General of Police, Muzaffarpur Range, Muzaffarpur.
4. The Superintendent of Police, District-Vaishali at Hajipur.
5. The Sub Divisional Police Officer, Mahua, Distt.- Vaishali.
6. The S.H.O., Jundaha Police Station, Distt.- Vaishali.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar, Advocate
For the Respondent/s	:	Mr. Sheo Shankar Prasad, SC-8

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 23-04-2019

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 respondents to investigate Jandaha P.S. Case No.83 of 2017 properly with further direction to the respondents to look into the representation filed by the petitioner before the respondents and conduct investigation on the basis of materials produced by him.

3. Learned counsel for the petitioner submitted that the investigation of the case is not being conducted in a fair and



impartial manner. The police have submitted charge-sheet against one of the accused and investigation is still continuing as against two others. In course of investigation irrelevant materials have been relied upon and relevant materials have been completely ignored by the police. According to him, the accused persons named in connection with Jandaha P.S. Case No.83 of 2017 registered under Section 304 read with 34 of the Indian Penal Code are absolutely innocent and a false and concocted case of dowry death has been instituted by the informant.

4. On query made by the Court, he submitted that the petitioner is a relative of the accused persons. He has not been made accused in the case. On further query, he contended that the representations submitted by the petitioner is based on relevant materials, which have not been considered by the investigating officer.

5. In reply to the question as to how he has got *locus standi* in the matter, he contended that since he is related to the accused persons, he has a right to bring to the notice of the Court the correct facts so that a fair and impartial investigation is conducted and innocent persons may not be put to rigors of trial.

6. *Per contra*, learned counsel appearing for the State submitted that the present writ petition filed by the petitioner is



totally misconceived. He has got no *locus standi* in the matter. The investigation is being conducted in a fair and impartial manner. An investigation into a cognizable offence is always confidential in nature and while the investigation is going on, no one has a right to seek investigation to be conducted in a particular manner.

7. Having heard learned counsel for the parties, I find substance in the submission of the learned counsel for the State. The petitioner, being not connected in any manner with the case, has got no *locus standi* in the matter. He cannot seek direction from the Court for conducting investigation into a particular manner.

8. To investigation into a cognizable offence is the exclusive domain of the police. Neither the accused nor his relative nor the informant has got any right to influence the investigation or to seek investigation to be done in a particular manner.

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	25.04.2019
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