

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1001 of 2019

Arising Out of PS. Case No.-60 Year-2019 Thana- LAHERIMUHALLA District- Nalanda

1. Nandu Lal Gupta @ Nandu Sao Son of Late Dhobi Sao Resident of Village - Nimganj, P.S.- Biharsharif, Dist.- Nalanda.
2. Vishwa Priya Kumar Son of Nandu Lal Gupta @ Nandu Sao Resident of Village - Nimganj, P.S.- Biharsharif, Dist.- Nalanda.
3. Chetan Kumar @ Kristo @ Chaitan Kumar Gupta Son of Nandu Lal Gupta @ Nandu Sao Resident of Village - Nimganj, P.S.- Biharsharif, Dist.- Nalanda.

... .. Petitioners

Versus

1. The State of Bihar
2. The D.G.P. , Bihar, Patna.
3. The District Magistrate, Nalanda at Biharsharif.
4. The Superintendent of Police, Nalanda at Biharsharif.
5. The S.D.O. Biharsharif, Nalanda.
6. The Dy. S.P., Nalanda at Biharsharif.
7. The Officer Incharge P.S.- Laheri, Distt.- Nalanda.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Satya Ranjan Sinha, Adv. Ms Seema Kumari, Adv.
For the Respondent/s	:	Dr. Anand Kumar, AC to AAG-3

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT
Date : 01-07-2019

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

2. This application under Articles 226 and 227 of the Constitution of India has been filed by the petitioners for quashing the First Information Report (for short 'FIR') of Laheri P.S. Case No. 60 of 2019 dated 08.02.2019 registered inter alia under Sections 379 and 386 read with 34 of the Indian Penal Code.



3. Learned counsel for the petitioners submitted that the allegations made in the FIR are attended with malafide. Prior to the institution of the present case in the year 2016 itself, the petitioners had instituted a case against the informant and members of the prosecution party. He contended that in retaliation to that the instant case has been filed in order to put pressure upon the petitioners to compromise the case.

4. Per contra, learned counsel appearing for the State submitted that in the FIR there is direct and specific allegation against the petitioners that they snatched the golden chain and purse containing Rs.12,000/- from the possession of the informant. It has also been alleged that petitioner no.1 took out pistol and threatened the informant to pay Rs.7 lakhs as *rangdari* in addition to Rs.3 lakhs which he had already paid earlier.

5. Having heard learned counsel for the parties and perused the FIR, as contained in Annexure-1 to this application, I find that the allegations made against the petitioners are quite serious. The defence taken by the petitioners that the FIR in 2019 has been instituted as a counterblast to the case which was instituted in 2016 can be considered by the court in course of trial and not at the stage of seeking quashing of the FIR. Moreover, the FIR of the case instituted in 2016 has not been brought on record.



6. Since there is specific allegation against the petitioner no.1 that he took out a pistol and pointed it out on the head of the informant and demanded Rs.7 lakhs as *rangdari* in addition to Rs.3 lakhs already realized earlier, the ingredients of cognizable offences are clearly attracted. To hold investigation into a cognizable offence is the statutory right of the police. In that view of the matter, neither the institution of the FIR nor its investigation can be held to be bad.

7. The application is dismissed.

(Ashwani Kumar Singh, J)

Pradeep/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	04.07.2019
Transmission Date	04.07.2019

