

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.1124 of 2019**

Arising Out of PS. Case No.-371 Year-2017 Thana- PATLIPUTRA District- Patna

Nirmala Gupta, Wife of Vijay Kumar Gupta, R/O 204, Nalanda Nagar Colony, Gauri Shankar Apartment 2, Kurji, Phulwari, Sadaquat Ashram, P.S.- Phulwari, District - Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Bihar.
2. The Secretary, Department of Home, Bihar.
3. The Director General of Police, Bihar.
4. The Superintendent of Police, Patna.
5. The S.H.O., Patliputra, Patna, Bihar.

... .. Respondents

**Appearance :**

For the Petitioner : Mrs. Mayuri, Advocate

For the Respondents-State: Ms. Divya Verma, AC to AAG-3

**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**  
**ORAL JUDGMENT**

**Date : 29-07-2019**

Defects, as pointed out by the registry, are ignored.

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

3. This application under Article 226 of the Constitution of India has been filed by the petitioner for directing the respondents to conduct proper and unbiased investigation in Patliputra P.S. Case No.371 of 2017 dated 01.11.2017 under Sections 406 and 420 of the Indian Penal Code alleging therein that the petitioner had paid an amount of Rs.18,22,500/- to one Krishna Kumar Singh for the purpose of purchase of land on different dates in the year 2009. Thereafter, repeated requests were made to register the plot of land



but it was not done on one pretext or another. In the meantime, the real owner of the plot asserted his ownership over the plot and ousted the petitioner. On inquiry, the petitioner came to know that that the plot of the land had been acquired by the Bihar State Housing Board in 1974 itself and false claim regarding the ownership was made by the accused.

4. Learned counsel for the petitioner submitted that though the first information report was instituted in the month of November 2017, the investigation of the case has not been completed till date. She has alleged that the investigating officer is in collusion with the accused named in the first information report.

5. *Per contra*, learned counsel appearing for the State submitted that the allegation made against the investigating agency by the petitioner has no basis. She submitted that the investigation is the statutory right of the police and, at this stage, this Court has no say.

6. Having heard the parties, I find substance in the submission of the learned counsel for the State that investigation is the statutory right of the police and, at this stage, the Court has no say. However, the investigating agency can not sit tight over a matter after registration of first information report. The investigating agency is duty bound to promptly complete the investigation and submit its report before the court concerned under Section 173(2) of the Code



of Criminal Procedure. The slow motion in which the investigation is proceeding is sufficient to show that there is no sensitivity and commitment on the part of the investigating agency in conducting the investigation of the case. The continuance of an investigation for over twenty months in a simple case of Sections 406 and 420 of the Indian Penal Code is not acceptable.

7. In that view of the matter, I dispose of this application with direction to the Senior Superintendent of Police, Patna to personally look into the matter and get the investigation completed effectively as soon as possible, preferably within a period of two months from the date of receipt/production of a copy of the order.

8. Let a copy of the order be communicated to the Senior Superintendent of Police, Patna forthwith.

9. It is made clear that this Court has not expressed any opinion on the merits of the allegation. The investigating agency would be free to conduct investigation from all angles and submit its report based on the outcome of the investigation.

**(Ashwani Kumar Singh, J.)**

Sanjeet/-

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| AFR/NAFR          | NAFR       |
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