

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1049 of 2019

Arising Out of PS. Case No.-138 Year-2018 Thana- PATEPUR District- Vaishali

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Lariya Devi wife of Chhotelal Sahni, Resident of Village - Khesarahi Tola,
Malikana Ward No. 11, P.S.- Patepur, District - Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Director General of Police, Bihar
3. The Deputy Inspector General of Police, Tirhut Division, Muzaffarpur.
4. The Superintendent of Police Vaishali, Hajipur.
5. The Officer-in-charge of Patepur Police Station District - Vaishali at Hajipur.
6. The Investigating Officer of Patepur P.S. Case No. 138 of 2018, District - Vaishali at Hajipur. Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Sharma,
For the State	:	Mr. M. Nasrul Huda Khan,

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 09-07-2019

Heard learned counsel for the petitioner and

learned counsel for the State.

2. This application has been filed by the petitioner with a prayer to arrest the accused persons named in the first information report (for short 'FIR') in connection with Patepur P.S. Case No.138 of 2018 registered under Sections 147, 148, 149, 341, 323, 324, 307, 302, 504 and 506 of the Indian Penal Code. The petitioner has further prayed for issuance of direction to the respondents to complete investigation and submit charge-sheet before the court



concerned.

3. As the case is still under investigation, it would not be proper for this Court to issue any direction for arrest of the accused named in the FIR. Section 41 of the Code of Criminal Procedure (for short 'Cr.P.C.') gives discretionary power to the police in the matter of arrest of an accused in a cognizable offence. At the stage of investigation, the court has no role to play.

4. As far as the prayer to issue direction to the respondents to submit charge-sheet is concerned, the same is totally misconceived.

5. After institution of an FIR, it is the duty of the police to investigate the case, record the statement of the witnesses, collect other relevant materials and on completion of investigation submit its report under Section 173(2) of the Cr.P.C. in the court concerned. Such report may either be in the form of charge-sheet or final report.

6. What would be the ultimate outcome of the investigation cannot be perceived by the court unless the police report is submitted before it.

7. Hence, no direction either to arrest the named accused persons or to submit charge-sheet against them



can be issued by the court while exercising jurisdiction under Article 226 of the Constitution of India.

8. For the reasons discussed above, the writ petition, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

Md. S/-

AFR/NAFR	NAFR
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