

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1168 of 2019

Arising Out of PS. Case No.-232 Year-2019 Thana- SAHEBGANJ District- Muzaffarpur

ANITA DEVI Wife of Kishore Kumar. resident of Village- Baidyanathpur
Khap, P.O.- Karnaul, P.S.- Sahebganj, District- Muzaffarpur

... .. Petitioner

Versus

1. The State of Bihar through the D.G.P, Bihar, Patna.
2. The Inspector General of Police, Tirhut Range, Muzaffarpur.
3. The Deputy Inspector General of Police, Tirhut Range, Muzaffarpur.
4. The Senior Superintendent of Police, Muzaffarpur, District- Muzaffarpur
5. The Sub- Divisional Public Complaint Redressal Officer, West Muzaffarpur, District- Muzaffarpur.
6. The Sub- Divisional Police Officer, Police Sub- Division Saraiya, District- Muzaffarpur
7. The Station Head Officer, Sahebganj Police Station, District- Muzaffarpur
8. Sujit Kumar Son of Shiv Chandra Rai Resident of Village- Baidyanathpur Khap, P.O.- Karnaul, P.S.- Sahebganj, District- Muzaffarpur.

... .. Respondents

Appearance :

For the Petitioner : Mr. Vijay Kumar Singh, Advocate
For the Respondent-State: Mr. Manish Kumar, GP-5

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 13-08-2019

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

2. This application under Articles 226 and 227 of the Constitution of India has been filed by the petitioner for quashing the first information report (for short 'FIR') of Sahebganj P. S. Case No. 232 of 2019 dated 03.06.2019 instituted by respondent no. 6 on the basis of written report submitted by



respondent no. 8 before the Sub-Divisional Public Complaint Redressal Officer, West Champaran (respondent no. 5).

3. Learned counsel for the petitioner submitted that the respondent no. 8 had filed a complaint before respondent no. 5 which was sent to the police station pursuant to which the respondent no. 7 lodged the FIR. He submitted that the respondent no. 5 is not the prescribed authority under the Code of Criminal Procedure. According to him, an information in respect of a cognizable offence ought to have been given by the informant to the Officer-in-Charge of the Police Station and not to the Sub-Divisional Public Complaint Redressal Officer.

4. On the other hand, learned counsel appearing for the State submitted that the plea taken by the petitioner for quashing the FIR is misconceived. He contended that a cognizable offence can be reported to the police by any one. The respondent no. 5 may not be a police officer, but he has been appointed to redress the grievances of the public at large. Since the informant of the case had first approached the Officer-in-Charge of the Police Station and he refused to register the FIR, he approached the Sub-Divisional Public Complaint Redressal Officer, who simply forwarded the application of the petitioner to the police station pursuant to which FIR has been registered. He contended that the



allegations made in the FIR are quite serious and they do attract the ingredients of the offences alleged.

5. Having heard learned counsel for the parties, I find substance in the submission made by the learned counsel for the State.

6. The allegations made in the FIR are quite serious. They do attract the ingredients of a cognizable offence. To hold investigation into a cognizable offence is the statutory right of the police. Simply because, the complaint made by the informant of the case to the Sub-Divisional Public Complaint Redressal Officer has been treated to be written report upon being forwarded to the Officer-in-Charge of the Police Station, the police case registered against the petitioner cannot be held to be bad in law.

7. In that view of the matter, I see no merit in this application.

8. It is dismissed, accordingly.

(Ashwani Kumar Singh, J.)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.08.2019
Transmission Date	22.08.2019

