

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1309 of 2019

Arising Out of PS. Case No.-440 Year-2018 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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1. Md. Raza Quraishi S/o Md. Naseem Quraishi Resident of Ward No. 33, Sadpura Basawari Tola, Musahri, Muzaffarpur, Bihar- 842002
 2. Md. Naushad Kuraisi S/o Nyeemuddin Kuraisi Resident of Ward No. 33, Ekhlakia Colony, Sadpura, Musahri, Muzaffarpur, Bihar- 842002

... .. Petitioners

Versus

1. The State Of Bihar Through Director General Of Police, Bihar At Patna
2. The Senior Superintendent of Police, Muzaffarpur Bihar
3. The Superintendent of Police, Muzaffarpur Bihar
4. The Deputy Superintendent of Police, Muzaffarpur Bihar
5. The Station Head Officer, P.S.- Kazi Mohammadpur, District- Muzaffarpur Bihar

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Sanchay Srivastava, Adv. Mr. Ravi Prakash, Adv.
For the Respondent/s	:	Mr. Sheo Shankar Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 16-09-2019

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 petitioner for quashing the first information report (for short 'FIR') of Kazi Mohammadpur P.S. Case No. 440 of 2018 dated 15.10.2018 registered under Section 302 read with 34 of the Indian Penal Code and Section 27 of the Arms Act.



3. Learned counsel appearing for the petitioners submitted that the petitioners were not even present at the spot when the alleged occurrence took place. All the independent witnesses examined in course of investigation have stated that these two petitioners have been falsely implicated and actually another person, namely, Ashish Kumar @ Ashish Singh had accompanied the accused Md. Sitab @ Munna, who actually killed the deceased.

4. On the other hand, learned counsel appearing for the State submitted that the petitioners are named in the FIR. The informant has clearly stated in her fardbeyan that the petitioners and Md. Sitab quarreled with her nephew. They started abusing him and when he protested, firstly, Md. Sitab took out pistol and shot at him. Thereafter, the petitioners, who were also armed with pistol, opened fire causing injury to her nephew, namely, Nasim @ Billa, who died on the spot. According to him, the allegations are direct and specific against the petitioners to have caused murder of the nephew of the informant, hence, no case for quashing of the FIR is made out.

5. Having heard learned counsel for the parties and perused the allegations made in the FIR, I find substance in the submission of the learned counsel for the State. There is direct and



specific allegation against the petitioners that they opened fire causing injury to the nephew of the informant as a result of which he died instantaneously. The case is still at the stage of investigation. At this stage, the defence of the petitioners cannot be made a ground for quashing of the FIR.

6. The application lacks merit. It is, accordingly, dismissed.

(Ashwani Kumar Singh, J)

Pradeep/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	18-09-2019
Transmission Date	18-09-2019

