

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2966 of 2018

Arising Out of PS. Case No.-296 Year-2016 Thana- CHAPRA TOWN District- Saran

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1. Devanti Devi W/o Parmeshwar Singh
 2. Bharat Singh S/o Nageshwar Singh
 3. Gayatri Devi W/o Bharat Singh
 4. Lalan Tiwari S/o Late Dharmendra Tiwari All are resident of Village- Jaitiya, P.S.- Manjhi, District- Saran.
 5. Ajay Kumar Singh S/o Late Baleshwar Singh, resident of Village- Badhauna, P.S. Siswan, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Home, Govt. of Bihar, Patna.
2. Navin Kumar Singh S/o Sri Janakdeo Singh, resident of Village- Gobarahi, P.S.- Daudpur, District- Saran, at present Dahiyawan Tola, P.S.- Chapra Town, District- Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rakesh Singh, Advocate

For the Respondent-State: Mr. Sheo Shankar Prasad, SC-8

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 10-01-2019

Defects pointed out by the registry are ignored.

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

3. This writ petition has been filed by the petitioners for quashing the First Information Report (for short 'FIR') of Chapra Town P.S. Case No.296 of 2016 registered under Sections 120B, 323, 504, 420, 467, 468, 471 and 386 of the Indian Penal Code.

4. On perusal of the FIR as contained in Annexure-2 to this writ petition, I find that the informant has alleged that he had



purchased a plot admeasuring 34 katha 2 dhoors bearing khata no.218, survey no.905 from the power of attorney holder of one Jai Rai on 13.10.2008 on payment of Rs.1,50,000/- and had constructed his house over the said plot. After purchasing the said plot through registered deed, he was coming in peaceful possession over the plot and house and in the record of rights also, his name has been registered. On 11.06.2016, the petitioners in conspiracy with each other came to his house and abused and assaulted him. They claimed that they had got the said plot transferred in their name through registered deed executed by Jai Ray himself. When the informant inquired from Jai Ray as to whether he had executed any sale deed in favour of the petitioners, he said that no such deed was ever executed by him. He further alleged that the accused persons had got a deed executed by someone else who presented himself as Jai Ray. When the informant protested about the alleged fraud, on 02.06.2016, in the evening at 6:00 p.m., the accused persons snatched golden chain of Rs.50,000/- and Rs.5,000/- in cash from him and threatened him that if he will go to police station, he will face dire consequences.

5. The allegations made in the FIR would certainly attract ingredients of cognizable offence. In case of cognizable offence, the police have got statutory right to investigate. The plea



of innocence by the petitioners can be examined by the police in course of investigation. At this stage, the court has no role to play.

6. I see no merit in this writ petition. It is dismissed, accordingly.

(Ashwani Kumar Singh, J.)

Sanjeet/R.Ranjan

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.01.2019
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