

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1516 of 2019

Arising Out of PS. Case No.-65 Year-2019 Thana- GHOGHARDIHA District- Madhubani

1. RAJ KUMAR YADAV Son of Anandi Yadav Resident of Village - Banar Jhula, P.S.- Ghoghardiha, Distt.- Madhubani.
2. Kari Yadav Son of Late Parmeshwar Yadav Resident of Village - Banar Jhula, P.S.- Ghoghardiha, Distt.- Madhubani.
3. Jage Yadav Son of Late Parmeshwar Yadav Resident of Village - Banar Jhula, P.S.- Ghoghardiha, Distt.- Madhubani.
4. Ram Prasad Yadav Son of Metharu Yadav Resident of Village - Banar Jhula, P.S.- Ghoghardiha, Distt.- Madhubani.
5. Shubash Yadav Son of Jageshwar Yadav Resident of Village - Banar Jhula, P.S.- Ghoghardiha, Distt.- Madhubani.
6. Rameshwar Sah Son of Narayan Sah Resident of Village - Banar Jhula, P.S.- Ghoghardiha, Distt.- Madhubani.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH DIRECTOR GENERAL OF POLICE, PATNA, BIHAR
2. The Inspector General of Police, Darbhanga Division Dist.- Darbhanga. Bihar
3. The Superintendent of Police, Madhubani, Dist.- Madhubani. Bihar
4. The Sub Divisional Police Officer, Phulparas, P.S.- Phulparas, Dist.- Madhubani. Bihar
5. The Officer in Charge, Madouna Police Station, Distt.- Madhubani. Bihar
6. The Officer in Charge Ghoghardiha Police Station, Dist.- Madhubani. Bihar
7. The Investigating officer of the Case Sri Shashi Bhushan Singh, P.S.- Ghoghardiha, Dist.- Madhubani Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. S.R.P.Sinha, Sr. Advocate Mr Ramendra Kumar Bharti Mr.Zainul Abedin
For the State	:	Mr.M. Nasrul Huda Khan, SC 1 Md. Harun Quraishi, AC to SC 1

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

18-11-2019

Heard learned counsel for the petitioners and learned



counsel for the respondents.

2. The present writ petition has been filed “*for quashing the First Information Report of Ghoghardiha Police Station Case No. 65 of 2019 which is registered under Sections 341, 342, 363, 354B, 504 and 506/34 of the Indian Penal Code.*”

3. Learned Senior Counsel for the petitioners submits that the FIR has been instituted in Ghoghardiha Police Station which is wholly without jurisdiction as the alleged place of occurrence as well as the residence of the victim falls within the jurisdiction of Marauna Police Station under the district of Madhubani. The victim was recovered by the Marauna Police Station from where the Officer-in-charge of Ghoghardiha Police Station took charge of the victim and produced her before the Magistrate, who, after recording her statement under Section 164 Cr. P.C. released her in favour of her parents. It is therefore submitted that Ghoghardiha Police Station has no jurisdiction in the matter and the police officers are acting illegally.

4. Having heard the parties and on consideration of the materials on record, this Court is of the view that the allegation in the FIR *prima facie* discloses commission of non-bailable offence in which the petitioners have been made accused.

5. Section 156 (2) Cr. P.C. provides that no proceeding of



a police officer in any such case shall at any stage be called in question on the ground that the case was one which such officer was not empowered to investigate.

6. In the above circumstances, this Court is not inclined to interfere in the matter. The writ petition stands dismissed.

7. Needless to say the petitioners are at liberty to seek relief before any other forum as may be available to them in accordance with law.

(Vikash Jain, J)

HR/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	20. 11.2019
Transmission Date	20. 11.2019

