

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1499 of 2019

Arising Out of PS. Case No.-90 Year-2017 Thana- KUCHAIKOTE District- Gopalganj

1. KANHAIYA SINGH @ KANHAIYA RAI Son of Baijnath Singh @
Vaijnath Singh @ Baijnath Rai Resident of Village- Suklauli, Police Station-
Kuchaikot, District- Gopalganj.
2. Baijnath Singh @ Vaijnath Singh @ Baijnath Rai Son of Laxmi Rai
Resident of Village- Suklauli, Police Station- Kuchaikot, District-
Gopalganj.
3. Krishna Kumar Singh @ Krishna Singh @ Krishna Rai Son of Baijnath
Singh @ Vaijnath Singh @ Baijnath Rai Resident of Village- Suklauli,
Police Station- Kuchaikot, District- Gopalganj.
4. Bittu Kumar Singh @ Bittu Singh @ Bittu Rai Son o Baijnath Singh @
Vaijnath Singh @ Baijnath Rai Resident of Village- Suklauli, Police Station-
Kuchaikot, District- Gopalganj.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH THE PRINCIPAL SECRETARY,
DEPTT. OF HOME GOVT. OF BIHAR, PATNA, Bihar
2. The Principal Secretary, Department of Home, Govt. of Bihar, Patna. Bihar
3. The Superintendent of Police, Gopalganj. Bihar
4. The Office- in- Charge, Kuchikote Police Station, Gopalganj. Bihar
5. Rajendra Singh Son of Late Ram Prasad Singh Resident of Village-
Saphiyabad, Police Station- Baikunthpur, District- Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Radha Mohan Singh, Mr. Satya Prakash,
For the State	:	Mr. Iqbal Asif Niazi, AC to GP 5

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 15-11-2019

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

2. The present writ petition has been filed "*for issuance
of a writ in the nature of certiorari or any other appropriate writ
for quashing of the Kuchaikote P.S. Case No. 90 of 2017 dated*



10.04.2017, instituted under Sections 323, 324, 304(B), 406, 498(A) of the Indian Penal Code and Section 3 and 4 of the Dowry Prohibition Act against the petitioners.”

3. Learned counsel for the petitioners submits that the prosecution case is out and out an abuse of law and the falsity of the case is writ large on the face of it. The FIR has been instituted under various provisions including Section 304(B) of the Indian Penal Code while on the other hand the victim herself has subsequently filed Domestic Violence Case No. 81 of 2017. The other allegations in the FIR under Section 498(A) of the Indian Penal Code and allied Sections as well as Sections 3 and 4 of the D.P. Act, are also false and unsustainable. It is therefore, submitted that it is a fit case for quashing of the FIR.

4. Having heard learned counsel for the parties and on consideration of the materials on record, this Court finds the writ petition to be devoid of merit. The FIR has admittedly been instituted under several provisions of the Indian Penal Code as well as under the D.P. Act. On a bare perusal of the FIR it is evident that the accusations made therein do constitute the ingredients of the offences alleged to have been committed by the accused persons. The stand of the petitioners to demonstrate the falsity of the prosecution case is a matter of defence which can be raised at the appropriate stage. Submission of learned counsel for the petitioners with reference to Section 304(B) of the Indian



Penal Code notwithstanding, various offences under different provisions have been alleged and the FIR cannot be quashed at this stage.

5. The writ petition accordingly stands dismissed.

(Vikash Jain, J)

Chandran/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.11.2019
Transmission Date	19.11.2019

