

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2135 of 2018

Arising Out of PS. Case No.-377 Year-2018 Thana- PHULWARISHARIF District- Patna

Rajesh Nandan Rao, Son of Late Baban Rai, resident of Brahmpur, P.O. &
P.S.- Phulwarisharif District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Senior Superintendent of Patna, Patna.
4. The Officer-in-Charge, Phulwarisharif, P.S. Phulwarisharif, District- Patna.
5. The Junior Engineer, Electric Supply, Phulwarisharif, South Bihar Power Distribution Company Ltd. Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Advocate
For the Respondent-State: Mr. Shiv Shankar Prasad, SC-8

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 09-01-2019

It is submitted by the learned counsel for the petitioner that till date correction in the margin of the written report submitted to the Officer-in-Charge, Phulwarisharif, Patna has not been made by the investigating officer of the case

2. Be that as it may, defect pointed out by the registry is ignored.

3. Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for respondent no.5.



4. This writ petition has been filed by the petitioner for quashing the first information report of Phulwarisharif P.S. Case No. 377 of 2018 registered under Section 135 of the Electricity Act, 2003.

5. In the first information report, the allegation is that the father of the petitioner was found committing theft of electricity by directly hooking a wire with the main LT line.

6. On query as to how the petitioner could file this application for quashing of the first information report, which has been instituted against his father, learned counsel for the petitioner submitted that the father of the petitioner has already died. Hence, the petitioner has filed the instant case for quashing the first information report against his deceased father.

7. In the opinion of this Court, the writ petition is totally misconceived. The petitioner has got no *locus standi* in the matter. The first information report can be quashed only if the allegations made therein disclose no cognizable offence. In the present case, the allegations made in the first information report clearly attract ingredients of the offences punishable under Section 135 of the Electricity Act. In that view of the matter even if the father of the petitioner would have filed this application, the first information report would not have been quashed. It is yet another that in case



an accused in a criminal case dies, the criminal case against him can not proceed. However, the issue of death of an accused has to be verified by the police in course of investigation and in case the same is found true, on the report of police, the court concerned would pass appropriate order.

8. Accordingly, the writ petition is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/R.Ranjan

AFR/NAFR	NAFR
CAV DATE	NA
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