

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1660 of 2019

In
Criminal Writ Jurisdiction Case No.2845 of 2017

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Rohit Kumar Verma Son of Gupteshwar Prasad Resident of Village-Turha
Toli Main Road, Buxar, Police Station-Buxar, District-Buxar.

... .. Petitioner

Versus

1. The State of Bihar, through Deepak Kumar, The Chief Secretary, Government of Bihar, Patna.
2. Deepak Kumar, The Chief Secretary, Government of Bihar, Patna.
3. Gupteshwar Pandey, The Director General Of Police, Bihar, Patna.
4. Raghwendra Pratap Singh, The District Magistrate, Buxar.
5. Upendra Nath Verma, The Superintendent of Police, Buxar.
6. K.K. Upadhyay, The Sub-Divisional Magistrate, Buxar.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar
For the Opposite Party/s : Mr.Prabhat Kumar Verma (Aag3)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 26-02-2020 It is the grievance of the petitioner that the Superintendent of Police, Buxar is not complying with the order dated 31.10.2018 passed in Cr.W.J.C. No. 2845 of 2017. In the said writ application while directing the learned court to proceed with the case being Buxar Thana P.S. Case No. 272 of 2017 and dispose of the same within a period of nine months from the date of filing of the charge-sheet or the order taking cognizance, this Court in its operative part of the order observed as under :-

“In case, in future the petitioner feels that any use of force is being made against him to oust from the alleged possession of the property, he may bring it to the notice of the Superintendent



of Police, Buxar who will look into the representation and shall consider the same but before passing any order on such petition he will hear all the parties concerned.”

Learned counsel for the petitioner submits that in the light of the representation of the petitioner an inquiry has been conducted and Inquiring Officer has submitted a report dated 30.01.2019 to the Superintendent of Police, Buxar. A proceeding under Section 107 Cr.P.C. has been initiated after instituting non FIR Case No. 01 of 2019 dated 29.01.2019. It is the submission of learned counsel for the petitioner that the petitioner has disclosed the name of his co-sharer who have forcibly entered into the residential house of the petitioner and as such in terms of the order of this Court the Superintendent of Police, Buxar was duty bound to issue notices to them and take all action necessary and coercive action but the same has not been done.

Learned counsel for the State submits that in terms of the order of this Court the representation of the petitioner has been considered and as per direction a proceeding under Section 107 Cr.P.C. has been initiated where both the parties may appear and place their respective stand.

In the given facts and circumstances of the case, this Court is of the considered opinion that the Superintendent of Police, Buxar cannot be said to have violated the order of this



Court. The observation of this Court cannot be taken as if the Superintendent of Police, Buxar is authorized to enter into the merit of the dispute between the parties and take a decision thereon.

This application has, thus, no merit. It is dismissed.

(Rajeev Ranjan Prasad, J)

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