

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.887 of 2017

Arising Out of PS. Case No.- Year-1111 Thana- District-

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1. Premchand Dubey @ Adyanand Dwivedy, Son of Late Sukha Dubey, resident of Village Bakhari Mahesh, P.O.- Bakhari Mahesh, P.S.- Kalyanpur, District- East Champaran.
 2. Shashima Devi, wife of Premchand Dubey @ Adyanand Dwivedy, resident of Village Bakhari Mahesh, P.O. Bakhari Mahesh, P.S. Kalyanpur, District- East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Muzaffarpur Range, Muzaffarpur, District- Muzaffarpur.
4. The Superintendent of Police, East Champaran, Motihari.
5. The Sub Divisional Police Officer, Chakia, East Champaran, Motihari.
6. The Inspector of Police, Circle Kesariya, District East Champaran, Motihari.
7. The Officer Incharge, Kalyanpur Police Station, District- East Champaran, Motihari.
8. The Investigation Officer, Kalyanpur Police Station, District- East Champaran, Motihari.
9. Primabada Devi, Wife of Sri Narayan Dubey, resident of Village Bakhari Mahesh, P.O. Bakhari Mahesh, P.S. Kalyanpur, District- East Champaran.
10. Sri Narayan Dubey, son of Late Subansh Dubey, resident of Village Bakhari Mahesh, P.O. Bakhari Mahesh, P.S. Kalyanpur, District- East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Premchand Dubey @ Adyanand Dwivedy,
Advocate
For the Respondent/s : Mr.Md. Nadeem Seraj, G.P.-5

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 05-02-2020 Heard learned counsel for the petitioners and the
learned counsel appearing on behalf of the State.

The petitioners seek a direction to the respondents to
initiate proceeding against Respondent Nos.9 and 10 for filing



forged and fabricated cases against the petitioners.

It is submitted by the learned counsel for the petitioners that though there were sufficient materials on record, case was not instituted against respondent Nos.9 and 10. He thus submits that the respondents are acting in clear violation of the principle of law and the present case requires interference under Article 226 of the Constitution of India.

Learned counsel appearing on behalf of the State has filed a counter affidavit, in which it has been categorically stated that on the complaint by the petitioners, case was instituted against the Respondents Nos.9 and 10 and the entire case involves disputed questions of facts which cannot be gone into under Article 226 of the Constitution of India. The petitioners may well be advised to approach the appropriate forum for determination of such dispute.

Considering the entire facts and circumstances of the case, I am not inclined to entertain this writ application. It is, accordingly, dismissed.

(Anjana Mishra, J)

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