

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1762 of 2019

Arising Out of PS. Case No.-42 Year-2018 Thana- MAHILA P.S. District- Saran

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1. Imam Raza Siddiquee @ Imam Raza, S/O Ali Raza Siddiquee
 2. Ali Raza Siddiquee, S/O Late Abdul Halim
 3. Safadari Begam, W/O Ali Raza Siddiquee
All Residents of Village - Kalan, P.O. - Khanpur, P.S.- Manjhi, District - Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Superintendent of Police, Saran.
2. The Sub Divisional Police officer, Chapra, Saran.
3. Station House officer, P.S.- Chapra, Saran.
4. Investigating officer of Saran Mahila P.S. Case No. 42/18

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Harish Kumar
For the Respondent/s	:	None

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-01-2020 Heard learned counsel for the petitioners. No one appears for the State.

Petitioners in the present case are seeking quashing of the FIR of (Saran) Mahila P.S. Case No.42 of 2018 registered for the offences punishable under Sections 341, 323, 376 and 511/34 of the Indian Penal Code on the basis of the typed written report of the informant as well as entire subsequent proceedings, if any, initiated thereon.

Learned counsel for the petitioners has submitted before this Court that the informant and the petitioners are family members and they are fighting over a land dispute in a



partition suit. The case in question has been registered against the petitioner no.1 who is serving as Chief Engineer in Maharashtra Electricity Transmission Company, whereas the petitioner no.2 is a retired employee of the Hindustan Aeronautics Limited Aircraft Division Nasik aged about 73 years and petitioner no.3 is the old aged wife of petitioner no.2. It is their case that they have been falsely implicated in this case alleging that on 23.07.2018 the petitioner no.1 came in the room the informant in drunken condition and had tried to commit rape on her and then petitioner no.2 and 4 beaten the informant.

It is submitted that the FIR in respect of the alleged occurrence was lodged two months after the alleged occurrence and in the given facts and circumstances of the case, this Court can come to a conclusion that the criminal case has been launched against these petitioners only with an intention to harass them and this being a malafide prosecution, this Court should exercise its extraordinary writ jurisdiction to quash the FIR.

Although, the submissions of learned counsel for the petitioners are impressive at first instance, but taking into consideration the precedent laid down by the Hon'ble Supreme Court in the matter of interference with the FIR at the threshold



and during the period of investigation, this Court is of the considered opinion that no interference is required at this stage.

It is well settled that the FIR is nothing but an 'information' furnished to the police station which is entered in the FIR book for purpose of investigation. Such FIR is required to be registered if it discloses commission of a cognizable offence without considering at this stage the credibility of the evidence or the allegations and the likelihood of the false implication. It is the investigation which will reveal the materials based on which the investigating officer may decide either to proceed or not to proceed against the accused persons. It is for this reason that the Hon'ble Supreme Court in a catena of decisions held that mere lodging of the FIR is not violative of Article 20 and 21 of the Constitution of India.

This Court finds that the allegations made in the FIR are still under investigation. This Court is, therefore, not inclined to quash the FIR at this stage. Let the investigation be concluded at the earliest.

This writ application stands disposed of accordingly.

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(Rajeev Ranjan Prasad, J)

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