

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83320 of 2019

Arising Out of PS. Case No.-391 Year-2018 Thana- GOPALPUR District- Bhagalpur

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KRISHNA MOHAN KUMAR MANDAL @ KRISHNA MOHAN
MANDAL Son of Ambika Mandal @ Ambika Pd. Mandal Resident of Village
- Haswa Nawabganj, P.S.- Manihari, Distt.- Katihar.

... .. Petitioner

Versus

1. THE STATE OF BIHAR THROUGH THE CHIEF SECRETARY, BIHAR
AT PATNA Bihar
2. The Principal Secretary, Department of Home, Govt. of Bihar, at Patna.
Bihar
3. The Director General of Police of Bihar at Patna.
4. The District Magistrate, Bhagalpur Distt.- Bhagalpur.
5. The Superintendent of Police Bhagalpur District- Bhagalpur.
6. The S.H.O. of Gopalpur, Police Station, Distt.- Bhagalpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 08-01-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking quashing
of the first information report dated 14.10.2018 being Gopalpur
P.S. Case no. 391 of 2018 for the offence alleged under Section
304(B) of the Indian Penal Code.

The petitioner is the husband of the deceased. The
marriage between the petitioner and the daughter of the
informant had taken place on 19.08.2018. Only within two
months of the said marriage, the daughter of the informant is



said to have hanged herself immediately after a talk on mobile with her husband.

Learned counsel for the petitioner submits that after the said FIR was lodged, the informant has filed a complaint case being Complaint Case No. 28 of 2019 in the court of learned Additional Chief Judicial Magistrate, Naugachia and the same has been referred to Police under Section 156(3) Cr.P.C. for registering FIR and to inquire into the matter. In the complaint case the informant gave a completely different version of the story and he himself alleged against the Police that earlier the Police had obtained his signature on a sheet of paper which was converted into an FIR in collusion with the accused persons in order to confer benefit to the accused. In the later case a different story has been given.

Learned counsel submits that he has moved this Court for quashing of the first case for the reason that till date the investigation of the case has not been completed and now a different version of the story has been provided by the informant in the second case. This court has been informed by the learned counsel that the investigation is still pending.

Learned counsel for the State has while opposing the present application submitted that with regard to an occurrence



there may be two different versions of the case and the Police can investigate from both angles. It is submitted that at this stage when the matter is under investigation, this Court need not to exercise it's inherent power under Section 482 Cr.P.C. to scuttle the investigation at the threshold.

Having heard learned counsel for the petitioner and learned APP for the State and upon a careful perusal of the records, this Court finds that admittedly the matter is still under investigation and at this stage the petitioner is not able to make out any of the seven exceptions pointed out by the Hon'ble Supreme Court in the case of **State of Haryana & Ors. Vs. Ch. Bhajan Lal & Ors.** reported in **AIR 1992 SC 604**. Mere delay in investigation cannot be a ground to quash the first information report when too in a case where death of a newly married daughter of the informant has taken place within two months after her marriage.

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

(Rajeev Ranjan Prasad, J)

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