

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.27 of 2020

Arising Out of PS. Case No.-159 Year-2019 Thana- KHAJAULI District- Madhubani

Kapildev Yadav, aged about 63 years, Male, Son of Late Tetar Yadav Resident
of Village - Biraul, P.S.- Khajauli, Distt - Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Director General Of Police, Bihar, Patna
2. The Superintendent of Police, Madhubani. Bihar
3. The Deputy Superintendent of Police, Madhubani Bihar
4. The S.H.O Khajauli Police Station District - Madhubani. Bihar
5. Mithilesh Devi Wife of Motilal Yadav Resident of Village - Inarwa, P.S.-
Khajauli, Distt - Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Choudhary, Advocate Mr. Shailendra Kumar Jha, Advocate
For the Respondent/s	:	Ms. Divya Verma, AC to AAG-3

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-02-2020 Heard learned counsel for the petitioner and

learned counsel for the State.

Learned counsel for the petitioner submits that

there is a typographical error in paragraph 1(I) with respect

to the P.S. Case Number which may be allowed to be

corrected. Permission is granted.

Let the correction be made in course of the day.

Petitioner in the present case is seeking quashing

of the First Information Report bearing Khajauli P.S. Case



No. 188/2019 registered under Section 323, 363, 366(A), 379, 504, 506/34 of the Indian Penal Code and under Section 10 of Child Marriage Act and Section 27 of the Arms Act.

Learned counsel for the petitioner has drawn attention of this court towards allegations made in the First Information Report against the petitioner. There is an allegation against him that he had snatched the Mangalsutra of the complainant and took away Rs. 17,000/- from her and this occurrence took place while the accused no. 1 namely Sujit Yadav who is son of this petitioner came lashed with a pistol on a motorcycle with the co-accused and at the point of pistol he took away the daughter of the informant. The daughter of the informant is still missing.

Learned counsel for the petitioner submits that prior to this F.I.R. the petitioner had lodged one F.I.R. being Khajauli P.S. Case No. 159/2019 in which he has alleged that his son has been forcibly taken away by the informant Mithilesh Devi and her family members and that his son has been forced to marry with daughter of the informant.



Learned counsel submits that in the nature of the allegations made against each other, taking note of the fact that this petitioner had lodged his F.I.R. at the earliest opportunity, the subsequent F.I.R. is liable to be quashed.

On the other hand, learned counsel for the State submits that the F.I.R. as contained in Annexure '2' gives a completely different story and the manner of occurrence and as such the principles for quashing of the second F.I.R. would not be applicable in the present case. In this connection, learned counsel has relied upon the judgment of the Hon'ble Supreme Court in the case of **P. Shreekumar Vs. State of Kerala reported in 2018(2) PLJR (SC) 293 = (2018) 4 SCC 579.**

Having heard learned counsel for the parties and upon perusal of the records, particularly Annexure '1' & '2' which are the two F.I.Rs. this court finds that on the face of it both the F.I.Rs. contain two different story and the manner of the alleged occurrence. Both the F.I.Rs. are under the investigation at this stage.

This court, therefore, finds no ground to interfere



with the second F.I.R. (Annexure '2') lodged by respondent
no. 5.

This Writ Application has, thus, no merit. It is
dismissed accordingly.

Let the investigation be completed and police final
report be submitted as early as possible preferably within a
period of three months from the date of receipt/production
of a copy of this order.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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