

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1879 of 2019

Arising Out of PS. Case No.-400 Year-2019 Thana- PALIGANJ District- Patna

Radha Rani Wife of Teak Narayan Bind Resident of Village - Dharahara,
P.O.- Paliganj, District- Patna

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna Bihar
2. The Principal Secretary, Home Department, Patna Bihar
3. The District Magistrate, District- Patna (Bihar) Bihar
4. The Director General of Police, Patna (Bihar) Bihar
5. The Senior Superintendent of Police, District- Patna Bihar
6. The Deputy Superintendent of Police, District- Patna Bihar
7. The Officer-in-charge, Paliganj Police Station, District- Patna (Bihar) Bihar

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Ful Man Singh

For the Respondent/s : Mr.Manoj Kumar, AC to GP 4

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-01-2020 Heard learned Counsel for the petitioner and the
learned Counsel for the respondent State.

This application has been filed for quashing the FIR dated 29.10.2019 bearing Paliganj PS Case No. 400 of 2019 under Sections 147, 148, 149, 341, 323, 324, 325 and 353 IPC lodged by the respondents and further for direction to the respondents to investigate the matter in the light of FIR dated 29.10.2019 filed by the husband of the petitioner (Annexure 5).

It is submitted by petitioner's Counsel that



respondent No. 7 has lodged the FIR in question and no agrieved person has complained regarding any altercation/quarrel. It is also submitted that the husband of the petitioner (accused of Paliganj PS Case No. 400 of 2019) has also lodged a case on the same day in respect of the same occurrence and that in fact the petitioner is a victim. It is submitted that for these two reasons/grounds the criminal prosecution arising out of FIR of Paliganj PS Case No. 400 of 2019 be quashed by this Court.

Learned Counsel for the State has drawn attention of the Court towards the allegations made in the FIR instituted by respondent No. 7.

It appears that on receiving information regarding some quarrel and altercation at Village Dharhara respondent No. 7 had gone to investigate the matter. On reaching the place of occurrence at the house of the accused, when respondent No. 7 took steps to contain the violence being perpetrated, he was obstructed in discharge of his official duty and that the accused had in fact assaulted and torn the uniform of respondent No. 7. It is on such allegation that the FIR has been lodged. The grounds raised by the petitioner, therefore, in the background of aforesaid allegations contained in the FIR do not permit



quashing of the FIR on such ground. The prima facie ingredients have been specified in the allegation and the investigation is yet to take place. There is no specific allegation of malafide also against respondent No. 7 raised by the petitioner in the writ petition.

The writ petition therefore is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

SNkumar/-

U		T	
---	--	---	--

