

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
Criminal Writ Jurisdiction Case No.8 of 2021**

Arising Out of PS. Case No.-72 Year-2016 Thana- CHHATAUNI District- East Champaran

BIJAY LOYALKA @ BIJAY KUMAR LOYALKA Son of Late Bilash Rai Loyalka Residen of 381/11, Hemanta Mukhopadhyay Sarani, Near Gopalpark Ballygunge, Sarat Bose Road, P.S. Ravindra Sarover, Town and Distt. - Kolkata (West Bengal) and also the Proprietor of M/S Zenith Credit corporation, having office at 19, R A Mukharjee Road, Kolkata -700001.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Deptt. of Home Govtt. of Bihar, Main Sectt. Patna Superintendent of Police, Patna.
2. The Director General of Police, Government of Bihar, Main Secretariat, Patna. Bihar.
3. The Superintendent of Police, East Champaran at Motihari. Bihar.
4. The Station House Officer, Chatauni Police Station, District - East Champaran at Motihari. Bihar.
5. Sanjay Kumar Son of Binod Ram Resident of village Jamla, Post Surha, P.S.- Muffasil Motihari, District - East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. S.D. Sanjay, Sr.Adv. Ms.Priya Gupta, Adv.
For the Respondent/s	:	Mr. P.N. Sharma, AC to AG

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 29-06-2021 Heard Mr. S.D.Sanjay, learned senior counsel assisted by Ms. Priya Gupta, learned counsel for the petitioner and Mr. P.N. Sharma, learned AC to AG on behalf of the State.

Petitioner in the present case is seeking the following reliefs:-

“i) For issuance of appropriate writ for quashing of the F.I.R. bearing Chatauni P.S. Case No.72 of 2016 dated 22.03.2016 (arising out of Complaint Case No.243 of



2016) registered under Section 406, 467, 468, 471 and 120(B)/34 of the Indian Penal Code r/w Section 3(i)(x) of the SC/ST Act, as being wholly arbitrary and illegal as on reading of the allegations made in the complaint petition by the informant no offence is made out against the petitioner;

ii) For restraining the Respondent Chatauni Police from making any investigation and/or taking any coercive measure against the Petitioner as the same is wholly without any authority of law;

iii) For restraining the Respondents from taking any coercive measure against the Petitioner during the pendency of the present writ application; and/or for any other relief(s) for which the Petitioner may be found entitled to in the facts and circumstances of the present case.”

In course of his submissions, Mr.S.D. Sanjay, learned senior counsel has informed this Court that during pendency of the writ application police has completed its investigation and now final form has been submitted in terms of Section 173 Cr.P.C. The petitioner has not been sent up for trial.

In the aforementioned circumstance, learned AC to AG submits that since the police has already completed the investigation and the final form has been submitted in favour of the petitioner, this Court need not exercise its extraordinary writ



jurisdiction to quash the F.I.R.

Having heard learned senior counsel for the petitioner and learned AC to AG, this Court is of the considered opinion that in the facts of the present case where police has already completed the investigation and final form has been submitted in which the petitioner has not been sent up for the trial, this Court need not exercise its discretion under Article 226 of the Constitution of India to interfere with the F.I.R. The regular court is already in seisin of the matter.

Learned senior counsel for the petitioner at this stage submits that this application may be treated to have become infructuous.

Let this application be taken to have become infructuous. It is, however, made clear that in case the petitioner will have any cause of action in future, he may seek his remedy before the appropriate court/forum in accordance with law.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

