

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.185 of 2020

Arising Out of PS. Case No.-504 Year-2015 Thana- PHULWARISHARIF District- Patna

Sumaiya Ali @ Neha (Female) aged about 29 years, D/o Mohammad Ali R/o Minhaj Nagar, P.S.- Phulwari Sharif, Distt- Patna

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Deptt. of Home, Govt. of Bihar, Patna Bihar
2. Director - General of Police, Bihar Patna
3. Superintendent of Police (SP), Patna West
4. Deputy Superintendent of Police, Kotwali P.S
5. The Station House Officer (SHO), Phulwari P.S. Patna
6. Mansoor Ahmad (Male) Aged about 63 years, S/o Yahya Ahmad R/o Mohalla Sangam Colony, Digha, Opposite ITI, P.S.- Digha, Distt- Patna.
7. S.M Danish Mansoor (Male) Aged about 35 years, S/o S.M Mansoor Ahmad R/o Mohalla Sangam Colony, Digha, Opposit ITI, P.S. Digha, Distt- Patna.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.
For the Respondent/s : Mr. Sanjay Kumar Ghosarvey, AC to A.A.G.3

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 26-03-2021 Heard learned counsel for the parties.

The criminal writ petition has been filed for the
following reliefs:-

(I) For issuance of such order(s), the writ(s) including the writ of mandamus directing the Respondents to submit the Police Report.

(II) For holding that the delay of approx. 5 Years only because the Accused i.e. Respondent No. 6 in this case is a Retired IPS officer is unwarranted and misuse of the fiduciary relationship between the Respondent State and the society.



(III) For issuing appropriate directions against Respondent No. 6 and 7 restraining them from interfering with the investigation carried out in the Phulwari P.S. Case No. 504/15 dated 21.07.2015.

(IV) For holding that the Respondent No. 6 and 7 have interfered in the investigation by exploiting their proximity with the police department influencing the investigating officer as also the senior police officers supervising the case.

It is submitted on behalf of petitioner that she is an informant in Phulwari P.S. Case No. 504 of 2015, registered under Sections 341/323/354/498(A)/504/506/34 of the IPC and Section 3 & 4 of Protection of Women from Domestic Violence Act, 2005. It is further submitted that accused no. 2 (Respondent no. 6) is a retired IPS officer and exercises a lot of influence in the police department and has been interfering in the investigation, as a result of which, police has not submitted final report, even after lapse of more than five years.

A counter affidavit has been filed on behalf of Respondent no. 5 and in paragraph – 3, it is stated that investigating officer of Phulwari Sariff P.S. Case No. 504 of 2015 has conducted the investigation on all points and final form is likely to be submitted.

Considering the aforesaid facts and circumstances, the criminal writ petition stands disposed of with direction to the



concerned respondent to submit final report as early as possible,
preferably; within a period of three months from today.

(Prabhat Kumar Singh, J.)

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