

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.91 of 2022

Arising Out of PS. Case No.-440 Year-2021 Thana- MADHAURAH District- Saran

Kusmila Devi, Wife Of Purushottam Singh, Resident Of Sherpur, Aghara, P.S.
- Marhowrah (Gaura O.P.), District - Saran.

... .. Petitioner

Versus

1. The State Of Bihar Through The Director General Of Police, Government Of Bihar, Patna
2. The Director General of Police
3. The Zonal I.G., Saran at Chapra.
4. The D.I.G., Saran.
5. The District Magistrate, Saran.
6. The Superintendent of Police, Saran.
7. The Sub - Divisional Police Officer, Marhowrah.
8. The S.H.O., Marhowrah P.S. Saran.
9. The Investigating officer of Marhowrah P.S. Case No. 440/2021, Marhowrah Police Station, District - Saran.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate
For the Respondent/s : Mr. Md. Irshad, AC to SC-1

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 10-10-2022 Heard learned counsel for the petitioner and learned
AC to SC-1 for the State.

Learned counsel for the petitioner submits that during pendency of this writ application, police has conducted investigation in a perfunctory manner and submitted a final form saying that the occurrence is true but there is no clue.

Learned counsel further submits that the petitioner has already filed a protest-cum-complaint petition in the learned court below and in terms of the judgment of the Hon'ble Apex



Court as well as this Court, such protest petitions are to be treated as a complaint case.

Learned counsel for the State submits that if the petitioner has already filed a protest-complaint petition in the learned court below, she will have proper opportunity to adduce evidences in order to impress upon the learned court below to make out a case. So far as the present case is concerned, learned counsel for the State submits that this has become infructuous.

In the given facts and circumstances of the case where this Court finds that the investigation of the case has already been done and a final form has been submitted and being aggrieved by the said final form, the petitioner is pursuing her remedy by way of protest-complaint petition in the learned court below, this Court finds no reason to proceed with this writ application. It has become infructuous.

The petitioner is at liberty to pursue her remedy including one for further investigation in accordance with law.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

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

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'.

