

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2696 of 2017

Arising Out of PS. Case No.- Year-1111 Thana- District-

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1. Jainab Khanm and Anr W/o Late Miftaur Rehman,
 2. Md. Jiaur Rehman S/o Md. Mobib Khan, Both are R/o Tharhi Bhawanipur, P.S.- Pipra, District- Supaul.

... .. Petitioner/s

Versus

1. The State Of Bihar, Through Director General Of Police, Bihar, Patna
2. The Inspector General of Police, Muzaffarpur Zone, Muzaffarpur.
3. The Inspector General of Police, Darbhanga Zone, Darbhanga.
4. The Deputy Inspector General of Police, Tirhut Range, Muzaffarpur.
5. The Senior Superintendent of Police, Muzaffarpur.
6. The Superintendent of Police, Supaul.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anirudh Pandey, Advocate
For the Respondent/s : Mr. Saroj Kumar Sharma, AC to AAG 3

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-12-2022 Heard learned counsel for the petitioner and Mr. Saroj Kumar Sharma, learned AC to AAG-III for the State.

This writ application has been filed for a direction to the respondent authorities to lodge a first information report with regard to the unnatural death of Md. Mifta-Ur-Rehman, on account of his alleged falling down and hitting his head while on duty.

On perusal of the statements made in the writ application, it appears that admittedly the husband of the petitioner was working in the furniture shop. While performing



his duty in the shop, he was reported dead on 03.05.2017 due to his falling down and hitting his head. This was reported to the petitioner. The petitioner did not lodge any F.I.R. making allegation against anybody at the relevant time. She received a compensation of Rs. 5 Lakhs from the employer and executed her satisfaction.

It appears that after funeral of the body and receiving Rs. 5 Lakhs from the shop owner, the petitioner started making allegations that the husband of the petitioner had died due to an unnatural death, and after sometime, some of his friends came to the house of the petitioner and alleged that her husband was murdered.

It is in the aforementioned background that after few months the petitioner made application for institution of a case and investigation into the cause of death of her husband. The records further reveal that the Supaul Police instituted an inquiry and copy of the inquiry report (Annexure '1') would reveal that in course of inquiry the preliminary information was that her husband had died in course of his employment while making a table in the furniture house. The owner of the furniture house namely, Tabbasum Ara wife of Japruddin Alam had provided a sum of Rs. 5 Lakhs to the petitioner by way of help



and the petitioner had executed a settlement. In past, the petitioner had not made any complaint in this regard.

The perusal of the writ application nowhere shows that the petitioner, if at all was looking for lodging of the F.I.R., has followed the procedures prescribed under the Code of Criminal Procedure and as laid down in the judgment of the Hon'ble Supreme Court in the case of **Priyanka Srivastava & Anr Vs. The State of Uttar Pradesh and Ors.** reported in **(2015) 6 SCC 287**.

When the matter was taken up for consideration, one of the learned Advocate on Record namely, Mr. Anirudh Pandey, having noticed the view of the Court made a last effort to get an adjournment of the case on the ground of his senior counsel. This Court has refused the prayer for adjournment.

This Case is of the year 2017 and after more than five years on a mere asking on the ground of senior counsel that too after sensing the views of the Court cannot be accepted.

This application has no merit. It is dismissed, accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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