

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.626 of 2017

Arising Out of PS. Case No.-6 Year-2015 Thana- KHAGAUL District- Patna

Shakuntala Devi wife of Late Krishna Nandan Sharma @ Late Krishnandan Singh, resident of Village- Choti Badalpura, Police Station- Khagaul in the district of Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Director General and Inspector General of Police, Government of Bihar
2. The Director General and Inspector General of Police, Government of Bihar, Patna.
3. The Inspector General of Police, Patna Zone, Patna.
4. The Deputy General of Police, Patna Range, Patna.
5. The Senior Superintendent of Police, Patna.
6. The Superintendent of Police, Patna West, Patna.
7. The Deputy Superintendent of Police, Danapur, Patna.
8. The Inspector-cum-SHO, Khagaul Police Station in the district of Patna.
9. Sanjay Kumar Pandey, son of not known to the petitioner, presently posted as SHO, Khagaul Police Station in the district of Patna.
10. Archana Kumari, wife of not known to the petitioner, Sub-Inspector, Khagaul Police Station in the district of Patna.
11. Rakesh Sharma, Son of Late Lal Bahadur Singh, resident of Village- Badi Kopa, Police Station- Naubatpur in the district of Patna.
12. Pintu Kumar, Son of Late Lal Bahadur Singh, resident of Village- Badi Kopa, Police Station- Naubatpur in the district of Patna.
13. Umarawati Devi, wife of Late Lal Bahadur Singh, resident of Village- Badi Kopa, Police Station- Naubatpur in the district of Patna.
14. Kamini Devi, Daughter of Late Lal Bahadur Singh, resident of Village- Badi Kopa, Police Station- Naubatpur in the district of Patna.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Navin Sharma, Advocate
For the State	:	Mr. Kumar Shanu, AC to AG
For Resp. Nos. 11 to 14	:	Mr. Neeraj Kumar, Advocate
For Resp. No. 9	:	Mr. Sitanshu Shekhar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 02-11-2022 Heard learned counsel for the petitioner, Mr. Kumar Shanu, learned AC to AG for the State, Mr. Sanjay Kumar



Singh, learned AC to Mr. Neeraj Kumar, learned counsel for respondent nos. 11 to 14 and Mr. Sitanshu Shekhar Mishra, learned counsel for respondent no. 9.

The petitioner in this case is seeking the following directions:-

“(i) To direct the state respondents to provide protection to the life and property of the petitioner and her unmarried daughter namely Sweta Kumari.

(ii) Also to direct the state respondents to get the house of the petitioner vacated bearing Holding No. 99/252/227 situated at Chhoti Badalpura, Khagaul, which is illegally occupied by respondent no. 11 to 14 with the connivance of respondent no. 9 and 10.

(iii) Also to direct the state respondents to take legal action against the illegal occupant of the house of the petitioner i.e. respondent no. 11 to 14 and also take legal action against the respondent no. 9 and 10 under whose protection the respondent no. 11 to 14 became embolden and illegally occupied the house of the petitioner.

(iv) Also to direct the state respondents to prosecute the respondent no. 9 to 14 for subjecting the petitioner and her unmarried daughter namely Sweta Kumari to cruelty and inhuman acts amounting to severe torture to both of them mentally, economically and physically also.

(v) Also to direct the state respondents to take departmental action also against the respondent no. 9 and 10 under whose protection the respondent no. 11 to 14 occupied the house of the petitioner illegally and also provided mental agony and physical/economical torturing to the petitioner and her daughter.

(vi) Also for any other relief/reliefs for which the petitioner is found entitled in the eye of law.”

A perusal of the statements made in the writ application would show that respondent no. 14 and the son of the peti-



tioner is said to have married but according to the petitioner, this marriage was by applying force and at no point of time, respondent no. 14 came to the house of the petitioner. Later on, she forcibly entered into the house of the petitioner with the help of respondent no. 11.

Learned counsel for the State submits that so far as the prayer for eviction of the respondents are concerned, the petitioner has to apply in appropriate jurisdiction before appropriate forum. In his submissions, a writ court sitting under Article 226 of the Constitution of India may not go into the contentious issue where the parties are litigating in marital disputes and the cases are pending in the Family Court.

Learned counsel for Respondent nos. 11 to 14 submits that the allegation that son of the petitioner has been thrown out from his residence is not correct. He is living in his village while pursuing his cultivation work in the village.

Having heard learned counsel for the parties, this Court is of the considered opinion that so far as the reliefs prayed in paragraph '1' (ii, iii, iv and v) are concerned, this Court sitting under Article 226 of the Constitution of India in its criminal writ jurisdiction would not entertain such prayers. Liberty is granted to the petitioner to seek his remedy, as may be



advised to him before appropriate forum in accordance with law.

So far as the prayer made in paragraph '1' (i) is concerned, this Court grants liberty to the petitioner to file a detail representation to the Senior Superintendent of Police, Patna (Respondent No. 5). He may provide all such materials which may be required to examine the veracity of his statements to give protection to his life and property. On filing of such representation, the Senior Superintendent of Police, Patna (Respondent No. 5) shall give an opportunity of hearing to the petitioner while fixing a date and after considering his grievance, respondent no. 5 shall take a proper decision including to protect the life and property of the petitioner 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'.

