

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.85 of 2022

Arising Out of PS. Case No.-247 Year-2021 Thana- BASANTPUR District- Siwan

Manoj Kumar Son of Jai Prakash Verma Resident of Village Basantpur Police Station- Basantpur, District - Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director General Of Police, Bihar, Patna
3. The Inspector General Of Police, Muzaffarpur
4. The Deputy Inspector General Of Police, Saran, District Chhapra
5. The Superintendent Of Police, Siwan
6. The Dy. S.P., Maharganj
7. S.H.O, Baikunthpur Police Station, Basantpur

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Siddhartha Kumar Singh, Adv.
For the Respondent/s	:	Mr. Md. Nadim Seraj, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 07-04-2023

Heard learned counsel for the petitioner and learned counsel for the State.

The present criminal writ petition has been filed to quash the entire proceeding of Complaint Case No. 476 of 2020 dated 13.03.2020 lodged under Sections 395 & 397 of the I.P.C. as well as F.I.R. of Basantpur P.S. Case No. 247 of 2021 dated 23.06.2021 lodged under Sections 341, 323, 324, 307, 379, 427, 504, 506 & 34 of the I.P.C.

Counsel for the petitioner submits that for the

occurrence dated 03.03.2020, the present petitioner has filed an F.I.R. bearing Basantpur P.S. Case No. 96 of 2020 in which, total four persons were made accused and the said F.I.R. was lodged on 03.03.2020 under Sections 341, 323, 324, 307, 379, 504, 506 & 34 of the I.P.C.

Counsel submits that by virtue of filing of the F.I.R., the accused, namely, Satya Prakash Verma was arrested and from custody, he has filed a Complaint Case No. 476 of 2020 on 13.03.2020. Counsel further submits that when the said accused, Satya Prakash Verma came out from jail, then he filed Basantpur P.S. Case No. 247 of 2021 dated 23.06.2021 for the occurrence date 03.03.2020 lodged under Sections 341, 323, 324, 307, 379, 427, 504, 506 & 34 of the I.P.C.

Counsel submits that Section 210 of the Cr.P.C. specifically deals a situation, particularly, when there is a Complaint Case and Police Case investigated in respect of the same offence.

Here in the present case, the Court, where Complaint Case was pending has directed the S.H.O. Basantpur to submit a report vide order dated 06.01.2021. Court has also issued a show cause notice to the S.H.O. Basantpur through Superintendent of Police, Siwan but till date, the said order

demanding requisition in the light of Section 210 of Cr.P.C. has not been submitted.

In this background, counsel submits that running both the cases, F.I.R. as well as Complaint Case with the same allegation is nothing but the abuse to the process of the Court, particularly, when both the cases have been filed as a counter blast case and to save the skin by the accused Satya Prakash Verma in case of petitioner and informant of both the cases which the petitioner wants to quash.

Counsel for the State submits that in the counter affidavit, supervision report has come but with a note that for a decision on acquisition, inquiry on certain points are required. This report is of date 04.08.2021. About one and half year lapsed but till date, no requisition has been filed.

It transpires to this Court that the said supervision report is of date 04.08.2021 and, presently, year 2023 has come. It is an extreme unfortunate affair that even after lapse of one and half year, compliance of the Court's order has been made under Section 210 of the Cr.P.C. by the S.H.O. Basantpur.

In this background, the Superintendent of Police, Siwan is directed to look into this matter. The petitioner is directed to file representation before the Superintendent of

Police, Siwan within four weeks’ from today and he shall assure the compliance of Section 210 of the Cr.P.C. before the Trial Court and the Trial Court is also directed to take decision within four weeks’ from the date of communication of the said report under Section 210 of the Cr.P.C.

With this observation, the present criminal writ application stands **disposed off**.

It is made clear that this Court has not opined any view on the merit of the case but only directing to assure the compliance of the law and take decision, complete in accordance with law.

(Dr. Anshuman, J.)

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AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	