

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.743 of 2021

Arising Out of PS. Case No.-691 Year-2020 Thana- DANAPUR District- Patna

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1. BABY DEVI W/o Shri Sambhu Prasad Gupta Resident of Pethiya Bazar P.O. - Danapur Cantt, P.S. - Danapur, Dist. - Patna- 801503, Bihar.
 2. Deepak Kumar S/O Shri Sambhu Prasad Gupta Resident of Pethiya Bazar P.O. - Danapur Cantt, P.S. - Danapur, Dist. - Patna- 801503, Bihar.
 3. Sambhu Prasad Gupta @ Sambhu Sao S/O Late Shir Rameshwar Saw Resident of Pethiya Bazar P.O. - Danapur Cantt, P.S. - Danapur, Dist. - Patna- 801503, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Home, Govt. of Bihar, Old Secretariat, Patna-800001, Bihar.
2. The Director General of Police, Sardar Patel Bhawan, Jawahar Lal Nehru Marg, Patna- 8000023, Bihar. Bihar
3. The Superintendent of Police, Police Headquarters, Gandhi Maidan, Patna - 800004, Bihar Bihar
4. The Station House officer, Danapur Police Station, Danapur, Patna-801503, Bihar. Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Ms.Aishwarya Shree
For the Respondent/s : Mr. Suman Kumar Jha, AC to AAG 3

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 17-07-2023 The present writ application has been filed for quashing and setting aside the First Information Report, bearing Danapur Police Station Case No. 690 of 2020, dated 08.12.2020, which has been lodged against the petitioners by the elder brother-in-law (Bhaisur) of the petitioner no. 1 as a counter blast of the First Information Report lodged by the petitioner no. 1 against the elder brother-in-law, Shiv Shankar



Prasad, and other family members.

It is not in dispute that both the parties are family members and case and counter case has been lodged against each other and Danapur Police Station Case No. 691 of 2020, dated 08.12.2020, has been lodged by the petitioner no. 1.

The petitioner no. 1 is the informant of Danapur Police Station Case No. 691 of 2020, dated 08.12.2020, in which the accused persons are her elder brother-in-law and his family members.

Learned Counsel for the petitioners submits that the First Information Report under quashing has been lodged as a counter blast to the First Information Report lodged by the petitioner no. 1, bearing Danapur Police Station Case No. 691 of 2020.

The petitioner has made complaint, in Danapur Police Station Case No. 691 of 2020, dated 08.12.2020, against her elder brother-in-law and his family members that on 05.12.2020, at about 11:30 AM, all the accused persons locked the house of the petitioner no. 1 while her son and husband were inside the house and threw night soil and other dirty objects in the house and also blocked the drainage/canal etc. The petitioner no. 2 reported about the said incident to the police vide online



complaint forum, namely, Bihar Police Helpline, having Complaint No. 202012050008, dated NIL. At around 3 PM, when the petitioner no. 1 got the knowledge of the above incident, she approached the local police and verbally informed about it around 03:40 PM and a written report was also submitted by her on 05.12.2020 for registration of the First Information Report at 5 PM, but no First Information Report was registered at that time. The petitioner no. 1 kept requesting the police for registration of the First Information Report, but the same was not registered till 08.12.2020.

Learned Counsel for the petitioners further submits that later on, the petitioner no. 1 came to know that Shiv Shankar Prasad has lodged the First Information Report, bearing Danapur Police Station Case No. 690 of 2020, on 08.12.2020 against her and her son and husband, which is prior in time to the First Information Report lodged by the petitioner no. 1, bearing Danapur Police Station Case No. 691 of 2020. Accordingly, the submission is that the police has manipulated the written report submitted by the petitioner no. 1 on 05.12.2020 and the date mentioned in the said written report has been converted as 08.12.2020, in order to give undue favour to Shiv Shankar Prasad, who also lodged the First Information



Report against her and her family members on 08.12.2020. Undue favour has been given to Shiv Shankar Prasad, the informant of Danapur Police Station Case No. 690 of 2020 by registering his First Information Report prior in time than the First Information Report lodged by the petitioner no. 1. The petitioner no. 1 has filed a representation to the Superintendent of Police regarding the above, but till date, no action has been taken.

I have heard learned Counsel for the parties concerned.

Admittedly, the informant of both the First Information Reports are close family members and there is case and counter case between them. A partition suit, bearing Partition Suit No. 258 of 2014 was filed for partition of the property between the parties, in which ex-parte decree was passed in favour of the petitioner no. 3.

The only submission for quashing of the First Information Report advanced on behalf of the petitioners is that there is manipulation in the date of lodging of the First Information Report by the petitioner no. 1 in order to give undue advantage to the informant of Danapur Police Station Case No. 690 of 2020, and that the present First Information Report has



been lodged as a counter blast to the First Information Report lodged by the petitioner no. 1.

From perusal of the First Information Report, it prima facie disclosed the commission of cognizable offence, however, the submission on behalf of the petitioners is that no offence is made out upon bare reading of the First Information Report, under quashing.

It is true that there is case and counter case between the parties and both the parties have alleged, abuse and insult, but mere fact that after the petitioner's side made a complaint before the police for lodging of the First Information Report and subsequent thereof, the First Information Report, in question, has been lodged by Shiv Shankar Prasad cannot be said to be a ground for quashing of the First Information Report. Whether the First Information Report lodged by Shiv Shankar Prasad is a counter blast to the First Information Report lodged by the petitioner no. 1 is a matter of investigation and the real fact can only be ascertained after investigation. Quashing of the First Information Report on this very ground and the same having been lodged as a counter blast, in my opinion, is not permissible in law. The petitioners have failed to point out any other legal grounds for quashing of the First Information Report



warranting interference by this Court under extraordinary writ jurisdiction.

In the result, the present application is dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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