

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52871 of 2016

Arising Out of PS. Case No.-233 Year-2016 Thana- BASANTPUR District- Siwan

Deo Kumar Soni son of Late Baidnath Soni, Resident of Village- Karahi Khurd, Police Station- Basantpur, District- Siwan.

... .. Petitioner/s

Versus

1. State of Bihar
2. Smt. Janki Devi wife of Late Grisdev Tiwari, Resident of Village- Nagauli, P.S.- Basantpur, District- Siwan.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh

For the Opposite Party/s : Smt. Rita Verma

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 12-01-2023 Heard the learned counsel for the petitioner as well as the learned APP for the State.

This application has been filed for quashing of FIR bearing Basantpur P.S. Case No. 233 of 2016, registered for offence punishable under sections 302, 213, 214, 420 and 120(B) of the Indian Penal Code.

The learned counsel for the petitioner has submitted that the cousin of the deceased has lodged a case, which was registered as Basantpur P.S. Case No. 196 of 2014 dated 29.06.2014 and for the same occurrence, Smt. Janki Devi, the wife of the deceased has filed complaint and on that basis, Basantpur P.S. Case No. 233 of 2016 has been registered.



In my view, it is not a matter of quashing. Section 210 of the Code of Criminal Procedure Code, 1973 makes a procedure, which is to be followed when there is a complaint case and police investigation in respect of the same offence.

The learned court below may take recourse of Section 210 of the Code of Criminal Procedure.

With these observations, this criminal miscellaneous petition is disposed of.

(Nawneet Kumar Pandey, J)

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