

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.208 of 2021

Arising Out of PS. Case No.-218 Year-2010 Thana- LALGANJ District- Vaishali

SUNIL KUMAR VARNWAL Son of Shankar Prasad Varnwal Resident of
Village - Arun Bhawan, Mahnar, Nagar Panchayat Ganiari, P.S. - Mahnar,
District - Vaishali.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH THE DIRECTOR GENERAL OF
POLICE, BIHAR, PATNA Bihar
2. The Inspector General of Police, Tirhut Range, Muzaffarpur. Bihar
3. The Senior Superintendent of Police, Vaishali at Hajipur. Bihar
4. The Investigating officer of Lalganj Police Station, District - Vaishali. Bihar
5. Awanish Chandra Gupta Son of Jay Narayan Prasad Varnwal Resident of
Village - Sallahpur, Ward No.-1, P.S. Lalganj, District - Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Yugal Kishore
For the Respondent/s : Mr. Suman Kumar Jha, AC to AAG 3

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

JUDGMENT AND ORDER

ORAL

Date : 25-07-2023

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

2. The present writ application has been filed for
quashing of the First Information Report of Lalganj Police Station
Case No. 218 of 2010, registered for the offence punishable under
Section 306 read with Section 34 of the Indian Penal Code. The
petitioner has further prayed for a direction to the respondents not



to take any coercive steps against the petitioner in connection with Lalganj Police Station Case No. 218 of 2010.

3. The petitioner is the brother-in-law (sala) of the deceased. The informant, who is the brother of the deceased, has lodged Lalganj Police Station Case No. 218 of 2010, stating therein that the relationship between the deceased and his wife was cordial for the last 15 years, but since the couple had no issue out of their wedlock, the wife of the deceased, under the influence of her brother, was creating pressure upon the deceased to adopt the child of the petitioner. It has further been alleged in the First Information Report that the deceased was subjected to mental torture at the hands of his wife and the petitioner for adoption of child with the lust of the property of the deceased. From the pocket of the deceased, a suicide note was recovered and also at several places near the place of occurrence, it was found written that due to the petitioner, the deceased has committed suicide. The informant further alleged that on the date of occurrence, i.e. on 02-09-2010, the informant saw a white-coloured Maruti car standing at the gate of the deceased, in which the wife of the deceased, the petitioner and two other persons were present. Accordingly, the allegation is that the accused persons have



mentally tortured his brother (deceased), to such extent that he committed suicide.

4. Learned Counsel for the petitioner submits that upon reading of the First Information Report, no offence, under Section 306 read with Section 34 of the Indian Penal Code, is made out against the petitioner. He further submits that the First Information Report is malicious due to the fact that litigation between the petitioner and the deceased was pending on the basis of the First Information Report lodged by the petitioner, bearing Lalganj Police Station Case No. 37 of 2007, registered for the offences punishable under Section 341/323/307/498-A/120-B/34 of the Indian Penal Code against the informant and the deceased as they used to harass and torture the sister of the petitioner, who was the wife of the deceased. Charge sheet was submitted in the case on 26-04-2007. The wife of the deceased (sister of the petitioner) also lodged Lalganj Police Station Case No.78 of 2010, on 13-04-2010, under Sections 341/323/504/506/498-A/34 of Indian Penal Code against the informant and the deceased (husband) as well as against her in-laws.

5. The viscera, in the present case, was kept reserved for its chemical analysis, but till date, it has not come on record that the deceased has consumed poison and also no poison and/or



wrapper was recovered from the place of the occurrence. No sign of injury was found on the body of the deceased and suicide note has not been sent for verification of the handwriting of the deceased at Forensic Science Laboratory in order to show that the handwriting, in the suicide note, is of the deceased.

6. On the other hand, learned Counsel for the State submits that from perusal of the First Information Report, prima facie case, on the basis of the statement made in the First Information Report and materials collected during the course of investigation, is made out against the petitioner. The allegation under Sections 306/34 of the Indian Penal Code against the petitioner has been found true and against the wife of the deceased also and charge sheet has been submitted against her as well as the petitioner, showing the petitioner as an absconder. The petitioner is still absconding since the institution of the present case. The trial of the petitioner was also separated long before and process, under Section 83 of the Code of Criminal Procedure has also been exhausted on 12-05-2023 by attaching the property of the petitioner. He further submits that for the fault of the Investigating Officer in sending the viscera, a departmental proceedings has been initiated against the erring Police Officer and charge has also been framed.



7. After having heard learned Counsel for the parties concerned and after going through the materials available on record, this Court is of the opinion that the First Information Report and the materials, prima facie, disclosed the commission of criminal offence against the petitioner. The petitioner has not approached this Court with clean hands and instead of submitting himself to the jurisdiction of the Court, the petitioner is absconding for about 13 years and he has also been declared as proclaimed offender.

8. In the result, this application is dismissed.

9. There shall be no order as to costs.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	09-08-2023
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