

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.302 of 2021

Arising Out of PS. Case No.-237 Year-2019 Thana- LAKHNAUR District- Madhubani

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Lakshmi Nath Jha S/o Late Kanj Nath Jha Resident of Village and Post-Deep, Via-Jhanjharpur, P.S-Madhepur, Block-Lakhnaur, District-Madhubani (Bihar). Presently resident of Mohallah-Rambagh, P.S.-L.N.M.U Campus, Town and District-Darbhangha (Bihar).

... .. Petitioner/s

Versus

1. The State Of Bihr Through The Principal Secretary, Deptt. Of Home, Govt. Of Bihar Patna.
2. The District Magistrate, Madhubani. Madhubani.
3. The Superintendent of Police, (S.P.) Madhubani. Madhubani.
4. The Thana-Incharge, Lakhnaur (R.S.O.P.) Police Station, Madhubani. Madhubani.
5. Sri Rohit Kumar S/o Sri Ram Narayan Ram At present Circle Officer, Lakhnaur (Madhubani) resident of Gol ghar, Park Road, P.S-Gandhi Maidan, District-Patna (Bihar).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Nath Jha, Adv.
For the Respondent/s : Mr. Nadim Seraj, GP5

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 22-03-2023 Heard learned counsel for the petitioner and counsel for the State.

Counsel for the petitioner has filed the present writ petition for quashing of the F.I.R. bearing Lakhnaur P.S. Case No. 237 of 2019 which has been filed against the father and uncle of the petitioner who have already died long ago. Counsel for the petitioner submits that his father and his uncle were the donor of land for the school on which the school was established and functioning.

Petitioner has grievance that a false F.I.R. has been

lodged against his late father and uncle and he want to quash the said F.I.R.

Counsel for the State submits that the petitioner himself has no locus-standi or grievance. His grievance is only up-to that extent that filing the F.I.R. against the dead person is a matter of prestige for him.

After hearing the parties and going through the documents and the position of law, this court is of the view that it is well settled that no proceeding shall run against dead person. Therefore, the said grievance of the petitioner is non-existing matter but he wants not to figure the name of his deceased father and uncle in the criminal case.

The petitioner is not the party and he is filing this case intimating to the court about the conduct of the prosecution. As the prosecution is used to do investigation in a reluctant way for which he wants to knock.

Counsel for the State submits that liberty may be given to the petitioner for raising the grievances before High Officials. Here, in the present case, he shall represent himself within 4 week before the Superintendent of Police, Madhubani raising his grievance in the light of order passed in ***Surendra Singh Vs. State of Bihar & Ors*** in ***Cr.WJC No. 153 of 2017***

with analogous cases decided on 09.09.2022.

The Superintendent of Police is hereby directed that upon hearing the grievances of the petitioner, shall do the needful so that any case filed against the dead person be dropped.

With this observation, this Cr. Writ application is hereby disposed of.

(Dr. Anshuman, J.)

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