

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.787 of 2022

Arising Out of PS. Case No.-11 Year-2021 Thana- MAHILA PS District- Katihar

ATAHAR KHAN @ AKHTAR KHAN Son of Sahid Khan Resident of
Village- Kutubpur P.S.- Manihari, District- Katihar ... Petitioner
Versus

1. The State of Bihar Through the Director General of Police (D.G.P) Bihar Patna
2. The Director General of Police (D.G.P), Bihar, Patna
3. The Deputy Inspector General of Police (D.I.G), Purnea
4. The Superintendent of Police, Katihar
5. The Sub Divisional Police Officer, Katihar
6. The Station House Officer, Manihari P.S. Dist- Katihar
7. SK Samful Son of Sobrati Resident of Kutubpur, P.S.- Manihari, Dist- Katihar
8. Najni Khatun Wife of Atahar Khan @ Akhtar Khan D/O SK Samful Resident of Kutubpur, P.S.- Manihari, Dist- Katihar ... Respondents

Appearance :

For the Petitioner : Mr.Surendra Kumar, Adv.

For the Respondents : Mr. Seo Shankar Prasad, SC VIII

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 29-04-2023 Counsel for the petitioner is directed to remove the defect(s) within two weeks.

The present writ petition has been filed for quashing of first information report bearing Katihar (Mahila) P.S. Case No. 11 of 2021, dated 02.04.2021, registered under Sections 376, 341, 194, 195, 323, 464 and 469/34 of the Indian Penal Code and 4 of the Protection of Children from Sexual Offenses Act, 2012.

Counsel for the petitioner submits that the present first information report may be quashed due to reason that at the time of taking bail, this Court has heard the informant party as well as petitioner. They have accepted the marriage and a



compromise petition has also been filed at the time of hearing of the bail petition.

Counsel for the State submits that in the Criminal Procedure Code, 1973, there is well established procedure and if the petitioner wants to close the case he should opt it before the appropriate forum.

This Court, upon hearing the parties, is of the view that taking any plea at the time of taking bail can not be a point for closing of the case, but, since in the Criminal Procedure Code, 1973, there is well established procedure and there is already provision for closing of the case if parties are at compromise and the offences are compounded, the petitioner is directed to avail the said remedy, which is given in Criminal Procedure Code, 1973.

Therefore, this petition is **disposed off** with liberty to the petitioner that he shall avail remedy for closing of the case according to the Criminal Procedure Code, 1973.

(Dr. Anshuman, J)

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