

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.816 of 2022

Arising Out of PS. Case No.-85 Year-2021 Thana- BHEJA District- Madhubani

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Dinesh Prasad Singh Son of Late Ramdeo Singh Resident of Village -
Bhawanipur, Police Station- Bheja, District - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary of Home (Police)
Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Additional Director General of Police, (Weaker Section), Bihar, Patna.
4. The Superintendent of Police, Madhubani.
5. The Sub Divisional Police Officer, Jhanjharpur, District - Madhubani.
6. The officer - In- Charge/S.H.O., Bheja Police Station, District - Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Adv.
For the Respondent/s : Mr. Md. Nadim Seraj, GP5

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-05-2023 Learned counsel for petitioner submits that due to

inadvertence, Section 216 has been wrongly typed instead of

Section 217. He seeks permission to correct the same.

Permission granted. Counsel for petitioner is directed

to remove the said defects in course of the day.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

This present application has been filed for quashing of

F.I.R. bearing Bheja P.S. Case No.85 of 2021 for offence under

Sections 166, 166A (C) & 217 of I.P.C. read with Section 21 of

POCSO Act and under Section 4 of SC/ST Protection Act, 1989.

Counsel for petitioner submits that petitioner is the Chowkidar and he is victim of this occurrence due to strange relation between the two officials of the police station. He submits that petitioner is holding the lowest post having no capacity but due to strange behaviour of high officials of the Bheja Police Station, he became the scapegoat. Counsel submits that from the content of F.I.R., no offence is made out. The only allegation against him is that he has stopped the informant from lodging F.I.R. but vide Annexure-2, it is clear that the said victim has lodged F.I.R.

Counsel for State submits that counter-affidavit has been filed in this case and in Paragraph-9, it has been found that the case is true against the petitioner. He further submits that the departmental proceeding has also issued against the A.S.I., Bheja Police Station in this matter.

After going through the content of the F.I.R. and the allegation, this Court is not inclined to grant any relief to the petitioner at this stage but liberty is hereby granted to the petitioner that he shall represent himself before the Superintendent of Police, Madhubani (respondent no.4) in this matter who upon proper verification shall file report under

Section 173 (2) of the Cr.P.C. till then, no coercive steps shall be taken against the petitioner.

In this view of the matter, petitioner is directed to represent before the Superintendent of Police, Madhubani (respondent no.4) within four weeks from the date of passing of this order, in the light of **Surendra Singh Vs. State of Bihar and Ors** vide order dated 09.09.2022 passed in **Cr.WJC No. 153 of 2017** with analogous cases,

The Superintendent of Police, Madhubani (respondent no.4) is directed to take necessary steps for completion of fair investigation at the earliest.

With the aforesaid direction, the present Criminal Writ Application is hereby disposed off.

(Dr. Anshuman, J.)

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