

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1551 of 2022

Arising Out of PS. Case No.-152 Year-2022 Thana- KHAGAUL District- Patna

1. Om Prakash Tiwari Son of Ashwani Kumar Tiwari Resident of 27-B Chanakya Puri, Machligali, Raja Bazar, Bailey Road, P.S.- Shastri Nagar, Patna, Bihar 800014.
2. Shivam Tiwari Son of Om Prakash Tiwari Resident of 27-B Chanakya Puri, Machligali, Raja Bazar, Bailey Road, P.S.- Shastri Nagar, Patna, Bihar 800014.
3. Priti Tiwari Daughter of Om Prakash Tiwari Resident of 27-B Chanakya Puri, Machligali, Raja Bazar, Bailey Road, P.S.- Shastri Nagar, Patna, Bihar 800014.
4. Shashi Devi Wife of Om Prakash Tiwari Resident of 27-B Chanakya Puri, Machligali, Raja Bazar, Bailey Road, P.S.- Shastri Nagar, Patna, Bihar 800014.
5. Jai Prakash Tiwari Son of Ashwani Tiwari Resident of 11th B.N NDRF, Gautam Buddha Bhawan, Maqbool Alam Road, Varanasi, Uttar Pradesh - 221002.
6. Vashishth Dev Tiwari Son of Late Ramakant Tiwari R/o Bayas Nagar, Ram Nagari, Magistrate Colony, P.S.- Rajiv Nagar, Patna - 800025.

... .. Petitioner/s

Versus

1. The State of Bihar through Director General of Police, Bihar, Patna. Bihar
2. The Superintendent of Police, Patna West, Patna. Bihar
3. The Station House Officer of Khagaul Police Station, Patna. Bihar
4. Investigating Officer of Khagaul P.S. Case No. 109 of 2022, Khagaul Police Station, Patna. Bihar
5. Rahul Kumar Tripathi Son of Vimal Kumar Tripathi Resident of Flat No.- A5, Crescent Mundeshwari Apartment, RPS, Near Engineering College, P.S.- Khagaul, District - Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Priyajeet Pandey, Adv.
For the Respondent/s	:	Mr. Md. Nadim Seraj, GP5

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 10-04-2023 Heard learned counsel for the petitioners, learned
counsel for the State and counsel for the informant.

This present Cr. Writ Application has been filed for the following reliefs:-

I. For quashing of F.I.R. bearing Khagaul P.S. Case No. 152 of 2022 dated 06.06.2022 (as contained in Annexure 2) wherein the respondent no.5 is the informant who seeks justice for his deceased wife as the machinery of criminal investigation has already been put to motion vide Khagaul P.S. Case No. 109 of 2022 dated 21.04.2022 wherein the petitioner no.1 is the informant who seeks justice for his deceased daughter.

II. For giving direction to the respondents no. 01 to 04 for not taking any coercive action against the petitioners in connection with Khagaul P.S. Case No. 152 of 2022.

III. For further directing the respondents no. 01 to 04 to fairly pursue the investigation in Khagaul P.S. Case No. 109 of 2022 which had already put to motion for criminal investigation, 45 days prior to the institution of Khagaul P.S. Case No. 152 of 2022.

Counsel for petitioner further submits that he has been unnecessarily made accused in this case due to the reason that the petitioner has filed one F.I.R. and another F.I.R. was filed by father-in-law. Petitioner has narrated his own fact.

Upon going through the contents of F.I.R., it

transpires that the petitioner has made specific allegation in his F.I.R. whereas the F.I.R. filed against him, it transpires that the private respondent (Father-in-law) has also filed separate allegation.

Counsel for State and counsel for informant opposes the prayer of the petitioner in the writ petition.

Upon going through the contents of F.I.R., it transpires that in both the cases, both the parties petitioner/ informant has made allegation to each other and it really needs proper investigation in this matter and since, allegation are specific, this court is not inclined to quash the F.I.R.

Accordingly, this Cr. Writ Application is hereby dismissed.

(Dr. Anshuman, J.)

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