

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.5 of 2023

Arising Out of PS. Case No.-519 Year-2022 Thana- SHASTRINAGAR District- Patna

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Baishno Kumari Daughter of Braj Kishor Pandey Resident of village -
Ghusiyar, Police Station - Sangrampur, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar.
2. Senior Superintendent of Police, Patna.
3. Sub-Divisional Police Officer, Kotwali, District - Patna.
4. Station House Officer Shastrinagar Police Station - Shastrinagar, District - Patna.
5. Investigating Officer, Police Station - Shastrinagar, District - Patna.
6. Brij Kishor Pandey Son of Late Paras Pandey Resident of village - Ghusiyar, Police Station - Sangrampur, District - East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Tiwari, Adv. Mr. Rajnish Shandilya, Adv.
For the State	:	Mr. Deepak Kumar, Ac to Gp-4

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-05-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

The present criminal writ application has been filed
for quashing the F.I.R. of Shastrinagar P.S. Case No. 519 of
2022 for the offences under Section 366(A) of the I.P.C.

Counsel for the petitioner submits that the present
case has not been filed by the accused rather by the victim.

Counsel for the State submits that how victim can
demand for quashing of the F.I.R., particularly, when the F.I.R.

has been filed for her welfare and it is the subject matter of the investigation and at primary level it may not be quashed.

After hearing the parties and going through the records, this Court is of the view that it is true that the concept of victimology has been inserted in the criminal justice system by virtue of amendment in the Code of Criminal Procedure (Amendment) Act, 2008 [ACT 5 OF 2009] by which right has been assigned to the victim but this Court on this ground cannot permit to quash the F.I.R.

The liberty is already available to the victim to avail the remedy in the light of the new amendment.

Accordingly, the present criminal writ application stands dismissed with the aforesaid liberty.

(Dr. Anshuman, J.)

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