

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1015 of 2024

Arising Out of PS. Case No.-258 Year-2023 Thana- UJIYARPUR District- Samastipur

Md. Chand @ Md. Chand Babu

... .. Petitioner/S

Versus

The State Of Bihar Through The Superintendent Of Police, Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Kalpana, Adv.

For the Respondent/s : Mr. K.P. Gupta, Gp.10

Mr. Satyavrat, A.C. to Gp.10

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

4 22-07-2024

Heard learned counsel for the petitioner.

2. Perused the document annexed with the petition.

This petition has been preferred by the petitioner for issuance of a writ/order/direction in the nature of Certiorari, quashing the FIR and all subsequent action in connection with Ujiyarpur P.S. Case No. 258 of 2023 registered under Sections 448, 342, 376(D), 504, 506 and 34 of the IPC pending in the court of learned SDJM, Dalsingsarai, Samastipur.

2. In this case, the victim lady is a married woman of approx 25 years age. According to the case of prosecution, on 17.07.2023, at about 11:00P.M, when the victim lady was sleeping, this petitioner along with other co-accused person entered inside the house and they took her to the field and there they committed possible sexual intercourse with the victim lady. FIR has been lodged by the victim lady on 20.07.2023 and an



offence was registered.

3. One of the ground for quashing the FIR has been raised by the learned counsel for the petitioner that the incident is of 17.07.2023 and FIR has been registered on 20.07.2023. Though, the FIR has been alleged after three days of the incident but, only on the basis of delayed FIR, the FIR cannot be quashed.

4. Further ground was taken by the petitioner that the medical report of the victim lady is not supporting the case of prosecution. Taking into consideration the fact that the FIR has been registered after three days of the incident and the victim lady is a well developed, major married lady therefore, if medical report of the victim lady is not supporting the case of prosecution then, also no adverse influence can be drawn against the case of prosecution. Resultly, I do not found any merit in this case or any ground present on the basis of which the alleged FIR can be quashed.

5. Accordingly, this petition is dismissed at this stage itself.

(Arvind Singh Chandel , J)

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