

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10731 of 2016

Arising Out of PS. Case No.-67 Year-2015 Thana- MAHILA PS District- Darbhanga

1. Pradeep Kumar Singh Son of Late Mohit Singh.
2. Renu Devi Wife of Sri Pradeep Kumar Singh
3. Manish Singh @ Manish Kumar Singh @ Manish Kumar Son of Pradeep Kumar Singh
4. Anuradha Kumari daughter of Pradeep Kumar Singh
5. Nitish Kumar Singh Son of Pradeep Kumar Singh All are residents of Village- Damodarpur, Police Station Rosera, District- Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jagdish Prasad Singh, Advocate

For the Opposite Party/s : Mrs. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

7 29-07-2024 This is an application under Section 482 of the Cr.P.C. filed by the accused persons/petitioners praying for quashing of Darbhanga Mahila Thana P.S. Case No.67 of 2015 dated 24.11.2015 registered under Sections 363, 376, 506, 323, 379, 34 of the I.P.C. pending in the Court of learned S.D.J.M., Darbhanga.

2. The case of the petitioners is that on the same alleged incident, the de-facto complainant/victim lodged two F.I.Rs., the contents of which are verbatim the same, on the basis of first F.I.R., Rosera P.S. Case No.242 of 2015 was registered on 12.11.2015. Again on the basis of the same allegation made out in the subsequent F.I.R., Darbhanga Mahila P.S. Case No. 67 of 2015 was registered on 24.11.2015.



3. It is contended on behalf of the petitioners that since the alleged F.I.R. in connection with Darbhanga Mahila P.S. Case No.67 of 2015 was filed subsequent to Rosera P.S. Case No.242 of 2015, investigation of Darbhanga Mahila P.S. Case No.67 of 2015 cannot continue because the statement made by the victim/informant before the police at Darbhanga Mahila police station ought to be treated as a statement under section 161 of the Cr.P.C. and on the basis of such statement no case can be registered.

4. I find substance in the submission made by the learned Advocate for the petitioners.

5. Darbhanga Mahila P.S. Case No.67 of 2015 dated 24.11.2015 registered under Sections 363, 376, 506, 323, 379, 34 of the I.P.C. be quashed.

6. However, prosecution is entitled to treat the statement made by the informant in Darbhanga Mahila P.S. Case No.67 of 2015, as a statement under Section 161 of the Cr.P.C. during the investigation and trial of Rosera P.S. Case No.242 of 2015.

7. The instant Cr. Misc. Application is accordingly, disposed of.

(Bibek Chaudhuri, J)

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