

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.306 of 2022

Arising Out of PS. Case No.-10 Year-2022 Thana- MAHILA PS District- East Champaran

Kunal Kumar Son Of Late Arun Kumar Resident Of Village- Chhatauni
Bazar, Ward No. 18, P.S.- Chhatauni, District- East Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar, Through Principal Secretary Of Home Deptt., Govt. Of Bihar, Patna
2. The Director General Of Police, Bihar, Patna
3. The Inspector General Of Police, Tirhut Division At Muzaffarpur
4. The Deputy Inspector General Of Police, Champaran Region At Bettiah Bihar
5. The Superintendent Of Police, East Champaran At Motihari
6. The Officer In-Charge Of Mahila Police Station, East Champaran At Motihari
7. The Investigation Officer, Mahila Police Station, East Champaran At Motihari
8. Rojida Khatoon Wife Of Zafir Alam Resident Of Village- Parsa, P.S.- Pakridayal, District- East Champaran

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ramakant Yadav, Advocate
For the Respondent/s : Mr. Md. Nadim Seraj, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 06-05-2025 Heard the parties.

2. The petitioner has moved the Court for the following reliefs:

“That this is an application for issuance of a writ by the way of certiorari for quashing/set-aside to the F.I.R. (Annexure-1) bearing Mahila P.S. Case No. 10 of 2022 (G.R. No. 630/22), under District of East Champaran, whereby and where under the said F.I.R. has been lodged against the petitioner and his family members/relatives without any materials



and reason.

For direction of the concern police after investigation, if found the present F.I.R. is malafied than initiate legal proceeding against the informant.”

3. The petitioner wants quashing of the FIR on the basis of the fact that his defence material be considered at the stage of quashing of FIR, but the same is not permissible in law in view of the judgment of the Hon’ble Supreme Court in the case of ***State of Bihar Vs. P.P. Sharma reported in 1992 Supp (1) SCC 222.***

4. Accordingly, this application is dismissed with liberty to the petitioner to approach the Superintendent of Police, East Champaran at Motihari with a representation mentioning all his defence and if the Superintendent of Police, Champaran at Motihari finds substance in the representation of the petitioner, he will act in accordance with law.

(Sandeep Kumar, J)

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