

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.724 of 2019

Arising Out of PS. Case No.- Year-0 Thana- District-

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Maherukh Jahan Daughter Of Matiur Rahman, Resident Of Dargah Road,
Pathar Ki Masjid, Masoom Gali, Police Station- Sultanganj, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through Its Principal Sectt. Deptt. Of Home Affairs,
Govt. Of Bihar Old Secretariat, Patna.
2. Director General of Police, Bihar, Patna.
3. Inspector General of Central/Patna Region, Patna.
4. Additional Inspector General of POLice, Patna Region, Patna.
5. Deputy Inspector General of Police, Patna Region, Patna.
6. District Magistrate, Patna.
7. Senior Superintendent of Police, Patna.
8. Superintendent of Police, East, Patna.
9. Deputy Superintendent of Police, Patna City, Patna.
10. Sub-Divisional Police Officer, Patna City, Patna.
11. Officer- In- Charge, Sultanganj Police Station, Patna.
12. Ashish Kapoor @ Shashi Kapoor, Son of Late Dinesh Lal Kapoor, Resident
of Kachauri Gali, Har Mandir Road, Police Station- Chowk, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Raj Shekhar, Advocate Md. Syed Tanwir Ahmad, Advocate
For the State	:	Mr. Sheo Shankar Prasad, SC-8

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 02-12-2025 The present writ petition has been filed by the

petitioner for directing the Respondent-State authorities to

protect the life of the petitioner and his son from the private

Respondent No.12, namely, Ashish Kapoor @ Shashi Kapoor

stating that her brother was friend of the private Respondent and

hence, contact developed between her and the private



Respondent and private Respondent, namely, Ashish Kapoor @ Shashi Kapoor started visiting the petitioner at her residence frequently. She was aware that Ashish Kapoor @ Shashi Kapoor was a married man. When her brother came to know about the acquaintance between the petitioner and Ashish Kapoor @ Shashi Kapoor, he resisted the relationship between the two and altercation took place between her brother and Ashish Kapoor @ Shashi Kapoor and it is also alleged that in fact, her brother has been killed by Ashish Kapoor @ Shashi Kapoor in a conspiracy. However, no F.I.R. has been lodged in regard to the alleged murder.

2. It is further alleged that on 31.07.2007 when the petitioner had gone to Biscomaun Bhawan in relation to some work, she was kidnapped by Ashish Kapoor @ Shashi Kapoor along with one Munna Kumar and she was taken to Dhanbad and thereafter to Punjab and rape was committed upon her by Ashish Kapoor @ Shashi Kapoor. She was also kept by the petitioner in the house of one Sattoji with the help of his friend, namely, Kishore Jee at Khemanichak, Patna and used to commit rape upon her along with all his associates, namely, Doctor Saheb, Sunny and Shammi Kapoor. However, somehow she managed to escape from the custody of Ashish Kapoor @



Shashi Kapoor. It is further alleged that one son was born out of the sexual assault by Ashish Kapoor @ Shashi Kapoor. On 22.01.2019 Ashish Kapoor @ Shashi Kapoor also snatched her son and took photographs. Hence, the petitioner lodged a complaint to Officer-in-charge, Sultanganj P.S., Patna. However, nothing happened due to submission of the complaint to the police. Despite subsequent representation to the police, no F.I.R. has been lodged till date and she is being threatened and harassed by Ashish Kapoor @ Shashi Kapoor and hence, the present petition.

3. Heard learned counsel for the petitioner and learned SC-8 for the State.

4. In view of the averment made in the writ petition, it is a case of commission of offence by the private Respondent No.12/Ashish Kapoor @ Shashi Kapoor against the petitioner. Hence, the best course of action is to lodge F.I.R. against Ashish Kapoor @ Shashi Kapoor. However, as per the averment, despite lodging complaint to the police, no F.I.R. has been registered till date, even subsequent representation to the police could not do. Hence, the petitioner should have filed criminal complaint in the competent Court of Judicial Magistrate and if any threat perception is found by the police or the Court, they can provide



security.

5. Hence, this writ petition is premature without filing any criminal complaint. The petitioner has option to go to competent Court of Judicial Magistrate to file complaint.

6. Accordingly, the present petition is disposed of.

(Jitendra Kumar, J.)

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