

**Jayanti Devi and ors Vs. the State of Jharkhand and ors**

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**SooperKanoon Citation :** [sooperkanoon.com/1085662](http://sooperkanoon.com/1085662)

**Court :** Jharkhand

**Decided On :** Sep-20-2013

**Appellant :** Jayanti Devi and ors

**Respondent :** The State of Jharkhand and ors

**Judgement :**

IN THE HIGH COURT OF JHARKHAND, RANCHI W.P(Cr) 198 of 2013 Jayanti Devi &Ors ..... Petitioners Versus The State of Jharkhand &Ors . .... Respondents. CORAM : HON'BLE MR. JUSTICE P.P. BHATT For the Petitioner : Mr. Ganesh Pathak Advocate For the State : J.C to S.C.III 03/20.9.2013 The petitioners by way of filing this writ petition under Article 226 of the Constitution of India have prayed for quashing the entire criminal proceeding including FIR and the cognizance taken by the Judicial Magistrate, Madhupur under section 304(B) and 34 of the Indian Penal Code in connection with Margomunda P.S. Case No. 37 of 2013 corresponding to G.R. Case No. 273 of 2013 presently pending in the court of Judicial Magistrate Madhupur. The learned counsel for the petitioners is permitted to add complainant as party respondent no.4 in this case. Let notice be issued to the newly added respondent no.4 under registered post with A/D as well as by ordinary process for which requisite etc must be filed within one week. The learned counsel for the Respondents State requested for four weeks time to take instruction and file counter affidavit in the matter. Requested, as sought for, is allowed. The learned counsel for the petitioners by referring final form/report (annexure2) submitted by the Officer Incharge of the concerned police station

pointed out that Investigation Office, after investigation of the case, while submitting its report expressed his opinion that no material is found against the petitioners no. 1,2 and 3 namely Jayanti Devi, Siromani Tiwari and Nisikant Tiwari in connection with offence punishable under sections 304/34 of the Indian Penal Code. It is submitted that despite observation made by the Investigating Officer in the final form, the learned Judicial Magistrate vide order dated 12.7.2013 has taken cognizance of the offence punishable under sections 304/34 of the Indian Penal Code against the petitioners Having regard to the facts and circumstances of the case as also in view of the submissions made by the learned counsel for the petitioners, no coercive steps shall be taken against the petitioners Jayanti Devi, Siromani Tiwari and Nisikant Tiwari in connection with Margomunda P.S. Case No. 37 of 2013 corresponding to G.R. No. 273 of 2013 till next date of listing. Put up this case in the last week of October, 2013. (P P. Bhatt,J) SD

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