

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43290 of 2012

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1. Sunder Banerjee S/o Sri Swapan Kumar Banerjee.
 2. Swapan Kumar Banerjee S/o of Late Chandra Shekhar Banerjee, both resident of Village- Hari baty, P.O.- Banpas, District- Burdwan (W.B.).
- ... **Petitioners.**

Versus

1. State of Bihar.
 2. Vinay Kumar Singh S/o Ayodhya Prasad Singh, Resident of Mohalla-Kumhrar, P.O.-Bahadurpur Housing Coloney, P.S.- Agamkuan, District- Patna.
- **Opposite Parties.**
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Appearance :

For the Petitioner/s : Mr. Tilak Sao

For the Opposite Party/s : Mr. Renu Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

2 13-03-2015

Heard Mr Tilak Sao, the learned counsel

appearing on behalf of the petitioners.

Aggrieved by the lodging of the F.I.R. leading to Agam Kuan P.S.Case No.120/07 under Section 366(A) of the Indian Penal Code accusing the petitioners of the offence alleged, the quashing application under Section 482 Cr.P.C has been filed praying for quashing the said F.I.R.

The learned counsel for the petitioners has submitted that the F.I.R. has been lodged in the year 2007 and investigation is still going on. It has been further submitted that by referring to the statement made by the alleged victim girl under Section 164 Cr.P.C that she was not kidnapped by anyone rather she went with her friends to Pune with her own will. The learned

counsel has also referred to the admit card of Jharkhand Madhymik Pariksha Parishad, Ranchi with regard to the alleged victim girl where her date of birth has been mentioned and according to which she was not a minor on the date of incidence.

After considering the facts of the case as disclosed and the submissions made on behalf of the petitioners, it is pellucid that the first information report taken up on its face value does disclose the commission of a cognizable offence. The question of consideration of the statement made by the alleged victim girl under Section 164 Cr.P.C or the admit card showing her date of birth cannot arise at this stage where the prayer has been made to quash the F.I.R as according to the well settled principles in this regard, the statement made in the F.I.R. only is germane while considering the case of quashing the same. As such, this Court is not inclined to grant the relief as prayed for quashing the F.I.R. However, the learned counsel has further made the prayer that the investigation is pending since 2007 and a direction be issued for conclusion of the same at the earliest. In view of this prayer the appropriate authority is directed to expedite the investigation and conclude it at the earliest in view of the fact that the same is pending since 2007.

This quashing application is, accordingly,

dismissed with aforesaid direction.

Nitesh/-

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(V. Nath, J)

