

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49728 of 2008

Arising Out of PS.Case No. 163 Year- 2007l District- MUZAFFARPUR

Rinu Shankar @ Shivarth Shankar, son of Sri Gyan Shankar, resident of village Bhagwanpur, P.S. Muzaffarpur, P.S. Muzaffarpur, Sadar, Distt. Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Nishi Kumari @ Gudia, wife of Rinu Shankar @ Shivarth Shankar, daughter of Dinesh Parasad Singh at present residing at village Bhagwanpur, P.S. Muzaffarpur, Sadar, Distt. Muzaffarpur.
3. Anil Kumar Singh, son of Upendra Singh, village Andama, P.S. Bahadurpur, Distt. Darbhanga.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kalyan Shankar, Adv.

Mr. Manoj Kumar, Adv.

For the State : Mr. B.P. Singh, A.P.P.

For the Opposite Party No. 2 : Mr. Binita Singh,

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 06-07-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the First Information Report of Muzaffarpur Sadar (East) P.S. Case 163 of 2007.

The case of the Informant is that his niece was abducted by the accused persons including the Petitioner.

It has been submitted that fact of the matter that the Petitioner and the niece of the Informant were both adults and had willingly married. The marriage certificate is annexed as Annexure-2. She was thereafter, examined under Section 164 Cr. P.C. where also she did not support the factum of kidnapping and in fact asserted that

she had married the Petitioner out of her own sweet will. In such circumstances, evidently, the continuance of investigation against the Petitioners while charge sheet has been submitted against two accused persons is unfair.

Having considered the factual aspect of the matter, I am inclined to hold that in the circumstance stated, no offence whatsoever is made out against any of the accused persons.

Hence, the application is allowed and the entire Proceeding of First Information Report of Muzaffarpur Sadar (East) P.S. Case 163 of 2007, pending before the Judicial Magistrate, Muzaffarpur, against all the accused, is hereby set aside.

(Anjana Prakash, J)

S.Ali/-

U		T	
---	--	---	--