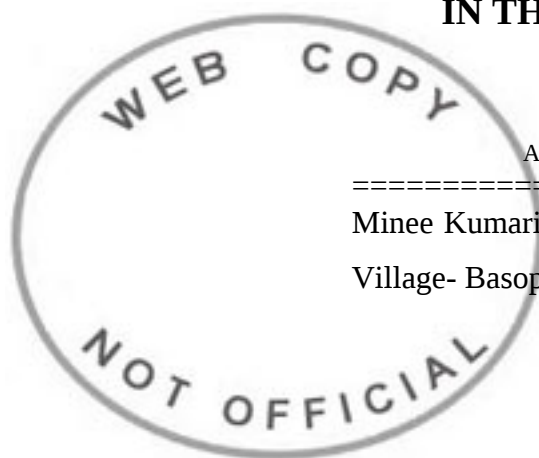




IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.984 of 2016

Arising Out of PS.Case No. -208 Year- 2016 Thana -Sitamarhi District- SITAMARHI

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Minee Kumari Singh @ Minee Singh, W/o Saroj Sah @ Saroj Mahto, Resident of
Village- Basopatti, P.S.- Basopatti, Dist.- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, Sitamarhi.
4. The Dy. Superintendent of Police, Sitamarhi.
5. The Station House Officer, Sitamarhi Police Station, Sitamarhi.
6. The Superintendent of Police, Madhubani.
7. Nirmala Devi, w/o Late Girish Kumar Singh, Ward No 19, Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

ORAL JUDGMENT

Date: 04-10-2016

Heard learned counsel for the parties.

2. The petitioner has sought quashing of Sitamarhi
P.S. Case No. 208/2016 dated 05.04.2016 registered for the
offences under Sections 363 and 366(A) of the Indian Penal Code.

3. The suspect in the aforesaid case is Saroj Sah and not the petitioner who is said to be minor and the allegation against Saroj Sah is that of kidnapping of the petitioner.

4. The petitioner submits that she is major and has married Saroj Sah by her free will. Therefore, the First Information Report should be quashed.

5. The petitioner relies upon an order dated 21st of August, 2009 passed by this Court in Cr.W.J.C. No. 448 of 2009 (Amrita Verma @ Sara Hayat Khanam Vs. State of Bihar & Ors.).

6. The grievance of lodging the First Information Report is that of Saroj Sah and not that of the petitioner. Still further, whether the petitioner is major or has married out of her free will, are all questions of fact. Therefore, at this stage, I do not find that any case is made out for quashing of the First Information Report at the instance of the petitioner.

7. In the order which has been referred, the apprehension of the petitioner was that of her harassment and of her husband and family members. The father of the petitioner appeared and filed counter affidavit denying filing of any complaint. The facts of the said case have no parity with the facts in the present case.

8. Consequently, the present writ application is

dismissed.

(Hemant Gupta, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	06.10.2016
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