

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.673 of 2016

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1. Nakiba Khatoon Wife of Navneet Anupam daughter of Late Lalmohamad Khan, R/o- Kewati, P.O. & P.S.- Kewati, District-Sheikhpura

.... Petitioner/s

Versus

1. The State of Bihar through Home Secretary, Govt. of Bihar, Patna
2. The District Magistrate, Supaul, District- Supaul.
3. The Superintendent of Police, Supaul, District- Supaul.
4. The Investigating Officer, Pipra Police Station, District- Supaul.
5. Shawanajahan Khanam wife of Late Lalmohamad Khan, Resident of Vill- Dhadhibhawanipur, P.S.- Pipara, District- Supaul.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kunwar Ajit Singh, Advocate

For the Respondent/s : Mr. Ashok Kumar Choudhary (AAG-13)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

3 03-10-2016 Heard Mr. Kunwar Ajit Singh, learned Counsel for the petitioner, and Mr. Ashok Kumar Choudhary, learned Additional Advocate General No.13, appearing on behalf of the State-respondents.

By making this application, made under Articles 226 and 227 of the Constitution of India, the petitioner, who is accused in Pipra Police Station Case No.121 of 2016, seeks quashing of the First Information Report, which led to the registration of the case aforementioned, on the ground that the alleged victim was not a minor and had left her parental house out of her own volition and accord. The question as to whether the alleged victim was or was

not a minor is a disputed question of fact, which cannot be decided in a writ petition under Articles 226 and 227 of the Constitution of India and, therefore, the First Information Report cannot be quashed at this stage.

In view of the above and in the interest of justice, I close this writ petition with liberty granted to the petitioner to approach this Court with appropriate application, in future, if so advised, and/or to take recourse to such provisions of law as may be permissible.

(I.A. Ansari,CJ)

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