

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19350 of 2016

Arising Out of PS.Case No. -88 Year- 2014 Thana -UJIYARPUR District- SAMASTIPUR

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1. Ratnesh Kumar Rai @ Ratnesh Rai son of Late Raj Kumar Rai, resident of village- Satanpur, P.S.- Ujiyarpur, District- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar
2. Ramsudin Rai, son of Baue Lal Rai, resident of village- Mahisari Tole Dhatugachhi, P.S.- Ujiyarpur, District- Samastipur
3. Nootan Kumari, W/o Ratnesh Kumar Rai @ Ratnesh Rai resident of village- Satanpur, P.S.- Ujiyarpur, District- Samastipur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saket Tiwary, Advocate

For the Opposite Party/s : Mr. Uma Nath Mishra, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

5 08-12-2016 In the light of this Court's order dated 01.12.2016, the petitioner and opposite party No. 3 are present.

This application has been filed under Section 482 of the Code of Criminal Procedure, seeking quashing of the order, taking cognizance dated 11.08.2015 passed by learned Sub Divisional Judicial Magistrate, Dalsingsarai, Samastipur in connection with Ujiyarpur P.S. Case No. 88 of 2014, of the offences punishable under Sections 363 and 366A of the Indian Penal Code. The petitioner has also sought for quashing of the entire prosecution arising out of the aforesaid Ujiyarpur P.S. Case No. 88 of 2014.



The First Information Report came to be registered on the basis of *fardbeyan* of opposite party No. 2, who is father of opposite party No. 3, with the allegation that the petitioner had kidnapped opposite party No. 3, a minor, for the purpose of marriage.

It is not in dispute that the petitioner and opposite party No. 3 have solemnized marriage and are living together as husband and wife. It is specific case of the petitioner that opposite party No. 3 is not a minor.

The couple has given birth to a child also.

In the background of the above mentioned facts, it is being jointly submitted on behalf of the petitioner and opposite party No. 3 that it would be in the interest of their peaceful matrimonial life that the entire prosecution arising out of the said Ujiyarpur P.S. Case No. 88 of 2014 be quashed.

Considering the circumstances and peculiar nature of the case, I consider it appropriate, in order to secure the ends of justice, to invoke inherent powers vested in this Court under Section 482 of the Code of Criminal Procedure by quashing the entire prosecution arising out of the said Ujiyarpur P.S. Case No. 88 of 2014.

This application is accordingly allowed. The First



Information Report of Ujiyarpur P.S. Case No. 88 of 2014 and the entire proceeding arising therefrom, thus, stand quashed.

(Chakradhari Sharan Singh, J)

Vats/-

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