

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26463 of 2015

Arising Out of PS.Case No. -1023 Year- 2010 Thana -COMPLAINT CASE District- ARRARIA

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Pinki Yadav @ Smt. Pinki Yadav W/O Prasenjit Krishna @ Raja Babu.
Resident of Village- Panjarkatta, P.S- Forbesganj District Araria

.... Petitioner

Versus

1. The State of Bihar
2. Suresh Chandra Kushwaha S/O Rajbhawan Verma.
3. Shanti Devi W/O Suresh Chandra Kushwaha
4. Purushotam Kushwaha S/O Suresh Chandra Kushwaha
5. Sugriv Kushwaha S/O Unknown
6. Yogendra Kushwaha S/O Late Rajmangal Mahto Opposite Parties No. 2 to 6 are resident of Jaysawal Bhawan, Near Mishra Ara Mill Mohalla-Satyangar Raybareli, P.S- Kotwali Raybareli, District- Raybareli Uttar Pradesh.
7. Bhrigunath Tiwari, S.I, Kotwali, P.S- Kotwali Raybareli, District-Raybareli, Utter Pradesh.,
8. P.K. Praveen, S.I. The S.H.O. Narpatganj, P.S & District Araria.

.... Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh

For the Opposite Party/s : Mr. Amrendra Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD
ORAL ORDER

2 05-05-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

2. This is an application for quashing the order dated
04.04.2014 passed by the learned Chief Judicial Magistrate,
Araria, in Complaint Case No. 1023C of 2010.

3. The prosecution case as alleged that the complainant is
the daughter and accused persons are the parents of the
complainant and others. It is alleged that her father and mother



along with police force came at the sasural of the complainant and took her to police station. Thereafter, she came to the house of her parents. It is alleged that father of the complainant has filed a case for abduction and kidnapping of the complainant. It is alleged that when complainant remained at her parents house she was assaulted by her parents causing termination of her pregnancy then she flee away to her matrimonial home. Further, during enquiry under Section 202 of Cr.P.C. she has disclosed that abortion was conducted in the Ashribad clinic at Raybareli.

4. The trial court taking into consideration the Matriculation certificate and further taking into consideration the date of occurrence the fact that on 20.12.2009 the date of occurrence, she was less than 16 years and so dismissed the complaint on the ground that case must have been filed in retaliation for filing of the case of abduction and kidnapping against the sasural of the victim. Though, there was allegation of assault on her husband and the complainant, but the complainant in her statement in Solemn Affirmation has not stated regarding assault either on her person or her husband. Hence, learned Magistrate has taken into consideration the statement of the complainant on Solemn Affirmation as well as enquiry under Section 200 of Cr.P.C. dismissed the complaint.

5. Hence, taking into consideration the fact I find that learned Magistrate dismissed the complaint has given valid reason as the complainant has not stated on oath of Solemn Affirmation regarding assault on her as well as on her husband and fact that father and mother of the complainant lodged a case for kidnapping so the present complaint case has been filed.

6. Hence, I do not find any merit to interfere with the order of the learned Magistrate.

7. As a result, the application is dismissed.

m.p.

(Gopal Prasad, J)

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