

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3564 of 2014

Arising Out of PS.Case No. -57 Year- 2013 Thana -MAHILA P.S. District- BHAGALPUR

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1. Vikash Kumar Vimal Son Sh. Vinod Kumar Vimal Resident Of Western Karyanand Nagar, Purani Bazar, P.S. And District-Lakhisarai, Bihar.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Ankita Sharma Wife Sh. Vikash Kumar Vimal Resident Of Western Karyanand Nagar, Purani Bazar, P.S. And District-Lakhisarai, Bihar, Presently Residing At Mohalla-M.P. Dwivedi Road, P.S.-Kotwali, District-Bhagalpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar
For the Opposite Party/s : Mr. Dr.Kumar Uday Pratap (App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

6 22-04-2016 Heard learned counsel for the parties.

The present application has been filed seeking quashing of the First Information Report of Mahila P.S. Case No. 57 of 2013, registered for the offences punishable under Sections 376,344,504 and 509 of the Indian Penal Code.

It is alleged in the First Information Report that the petitioner gave the informant allurements of her employment and obtained her signature on blank papers. It is also alleged that the petitioner physically exploited her for nearly three months.

Learned counsel for the petitioner submits that as a matter of fact, the petitioner and the informant are legally married



couple. Reliance in this regard has been placed on a photo copy of the certificate of marriage issued under the Special Marriage Act, 1954 by the Marriage Officer, Bhagalpur on 19.03.2013. According to him, the marriage was not acceptable to the parents of the informant and, therefore, under pressure she got instituted the present First Information Report.

Learned counsel appearing on behalf of the informant has submitted that the allegations in the First Information Report constitute criminal misconduct under various Sections of the Indian Penal Code, therefore, in exercise of power under Section 482 of the Code of Criminal Procedure, 1973, the FIR should not be quashed, on the basis of documents as have been relied upon by the petitioner.

I do not it to be a fit case for quashing of the FIR itself as it is difficult to hold that the allegations made therein do not constitute any offence at all. It is well settled that power under Section 482 of the Cr. P.C. for quashing of an FIR can be exercised only if the allegations made in the FIR do not constitute any cognizable offence or if lodging of the FIR itself is barred under law. None of the grounds exists in the present case.

This application is accordingly, dismissed.

It goes without saying that the petitioner shall have the

liberty to take defence as taken in the present application or raise any other plea as may be permissible to him under law at the stage of framing of charge or any subsequent stage of trial.

This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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