

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.643 of 2016

Arising Out of PS.Case No. -null Year- null Thana -null District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Rani Kumari Wife of Pappu Kumar Das daughter of Narayan Das, resident of Village- Dhekaha Tola Bela, Police Station- Pipra Kothi, District- East Champaran.
 2. Pappu Kumar Das, son of Byas Das, resident of village- Dhekaha Tola Bela, Police Station- Pipra Kothi, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, East Champaran at Motihari.
2. The Superintendent of Police, East Champaran at Motihari.
3. The Deputy Superintendent of Police, Sadar, Motihari, District- East Champaran.
4. The Officer Incharge, Pipra Kothi Police Station, District- East Champaran.
5. The Investigating Officer, Pipra Kothi P.S. Case No. 28 of 2016, Police Station- Pipra Kothi, District- East Champaran.
6. Narayan Das son of Late Ram Kishun Das, resident of Village- Dhekaha Tola Bela, Police Station- Pipra Kothi, District-East Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Respondent/s : Mr. A.P. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 24-08-2017

Heard learned counsel for the parties.

Petitioner Rani Kumari is daughter of private respondent No.6 Narayan Das. The respondent No.6 lodged Pipra Kothi P.S. Case No.28 of 2016, a case under Sections 363/366/34 of the Indian Penal Code, against petitioner No.2 Pappu Kumar Das and his family members on suspicion that they had kidnapped petitioner No.1 Rani Kumari, aged about 16 years, who had gone to appear in the



examination on 17.03.2016.

The petitioners have invoked the writ jurisdiction of this Court for quashing the F.I.R. of aforesaid Pipra Kothi P.S. Case No.28 of 2016, vide Annexure-1, on the ground that both the petitioners were major on the date of alleged occurrence, which would be evident from their school records at Annexures-2, 4, 5, 6 and 7 and both have voluntarily left their house and subsequently entered into love marriage vide marriage certificate at Annexure-3.

Submission of the learned counsel for the petitioners is that since petitioners were major and they have chosen their life partner voluntarily, the criminal prosecution launched by respondent No. 6 is an abuse of the process of the Court.

No one appears on behalf of respondent No.6 though Vakalatnama has been filed.

Learned counsel for the State-respondent submits that after investigation the police has found the allegation in the F.I.R. as true.

Both the petitioners are present in Court and submits that they are happy together.

Considering the fact that the victim has completely denied the allegation of kidnapping/abduction as well as considering the fact that the so called victim was a major on the date of alleged occurrence



and she stated on oath that she had voluntarily married with petitioner No.2, the continuance of the criminal prosecution against the petitioner No.2 would be an abuse of the process of the Court. Hence, F.I.R. of Pipra Kothi P.S. Case No.28 of 2016 stands quashed.

Second prayer is for a direction to the State-respondent to provide security to the life and property of the petitioners.

The State-respondent shall take appropriate action in this regard so that the fundamental right of the petitioners may be protected.

With the aforesaid observation, this writ application stands disposed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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