

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.54119 of 2013

Arising Out of PS.Case No. -281 Year- 2012 Thana -BUXAR District- BUXAR

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1. Ram Ashish Singh, s/o late Sheojatan Singh,
 2. Ravinder Singh, s/o Ram Ashish Singh, both resident of mohalla- Naibazar, P.S- Buxar (Town), District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar &
2. Chinta Devi, wife of Shri Jitendar Singh, resident of Mohalla- Naya Bazar, Ward No.7, P.S.-Buxar Town, District- Buxar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nil Kamal, Advocate
For the State : Mr. Rajendra Singh Shastri, APP
For the Opposite Party No.2: Mr. Satyapal Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 14-07-2017

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 04.07.2013 passed by the Chief Judicial Magistrate, Buxar, in Buxar Town P.S. Case No.281 of 2012 by which the learned Magistrate has taken cognizance against these petitioners along with other accused for the offence under Section(s) 366-A, 376 Indian Penal Code.

2. Counsel for the petitioners has submitted that they are father-in-law and brother-in-law of the informant. The informant has alleged in the written report that she had given written



report before the Superintendent of Police on 13.08.2012 about the misbehaviour committed with her by these petitioners and on account of that grudge these petitioners have got disappeared her daughter, Soni Kumari, along with Dharmendra Kumar.

3. The police after investigation submitted Final Form against both these petitioners finding no evidence against them and has submitted charge-sheet against Dharmendra Kumar for the offence under Section(s) 366-A, 376 Indian Penal Code.

4. Case diary was called for, which has been received.

5. In the case diary, statement of the victim girl recorded by the police under Section 161 Cr. P.C and also by the learned Magistrate under Section 164 Cr. P. C. are available in para 31 and 33 respectively, in which, she has stated that she has performed marriage with Dharmendra Kumar and she is living with him. The victim girl has not levelled any allegation against the petitioners. Similarly, other witnesses also in their statements have not levelled any specific overt act against these petitioners.

6. It appears that the learned Court below without giving any reason in mechanical manner has taken cognizance against these petitioners for the offence under Section(s) 366-A, 376 Indian Penal Code differing with the Final Form submitted by the



police.

7. In such circumstances, this Court is of the view that the impugned order by which cognizance has been taken against the petitioners is not in accordance with law.

8. Accordingly, the impugned order dated 04.07.2013 passed by the Chief Judicial Magistrate, Buxar, in Buxar Town P.S. Case No.281 of 2012 along with entire criminal proceedings in respect of both the petitioners is hereby quashed.

9. The application is, accordingly, allowed.

(Sanjay Priya, J)

J.Alam/-

AFR/NAFR	NAFR
CAV DATE	N/A
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