

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1134 of 2015

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Deepenti Kumari W/o- Pankaj Kumar Choudhary, Resident of village- Bhairapur,
P.S.- Doriganj, District- Saran

.... Petitioner

Versus

1. The State of Bihar through the Director General of Police, Patna, Bihar
2. The Superintendent of Police, Dist- Saran
3. The S.H.O. Doriganj, Dist.- Saran
4. Deo Sharan Prasad, S/o- Satya Narayan Prasad, Resident of village- Bhairapur,
P.S.- Doriganj, District- Saran

.... Respondents

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Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT
Date: 03-11-2017

No one appears on behalf of the petitioner.

Heard learned counsel for the State.

This writ application has been preferred for quashing the F.I.R. of Doriganj P.S.Case No.70 of 2015 registered under Sections 363/363(A)/ 366(A)/120(B) of the Indian Penal Code in exercise of power under Section 156(3) Cr.P.C. on the basis of initially Complaint Case No.1618 of 2015 filed by the respondent No.4, Deo Sharan Prasad in the court of learned Chief Judicial Magistrate, Saran.

According to F.I.R, the named accused persons allegedly kidnapped the daughter of the informant aged about 16



years (petitioner herein). Allegation is that the petitioner and the accused persons were intimate to each other and taking advantage of the situation on 10.05.2015 the accused kidnapped the petitioner alongwith them.

The petitioner in her statement under Section 164 Cr.P.C. stated that she had voluntarily married with co-accused Pankaj Kumar Choudhary and no one had kidnapped her. The marriage was a court marriage . The petitioner disclosed her age as 23 years and learned Magistrate who recorded the statement under Section 164 Cr.P.C. assessed the age of petitioner as 21 years. The school certificate at Annexure-6 which show date of birth of the petitioner as on 11.02.1992. The counter affidavit of the State-respondent would reveal that after investigation, the matter was found to be a case of mistake of fact and the police has already submitted final form in this case.

However, it is not evident from the record nor the learned counsel for the State is aware whether the court below has agreed with the police report or has differed with the same.

In the aforesaid situation and considering the facts and circumstances of this case, I am of the view, that no offence has been committed by the named accused persons and continuance of criminal prosecution would amount to abuse of the process of the



court. The F.I.R. as well as entire criminal proceeding arising out of Doriganj P.S.Case No.70 of 2015 stands quashed.

Accordingly, this writ application stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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