

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2031 of 2017

Arising Out of PS.Case No. -497 Year- 2017 Thana –BUXAR TOWN District- BUXAR

=====

Suraj Kumar, S/o Munna Vishwakarma, Resident of Village- Yadavchak, P.S.-
Parsa Bazar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through D. G. P. Bihar, Patna.
2. The S.P. Buxar.
3. The Officer-in-charge, Buxar Town, P.S. Buxar.
4. Md. Munaid Alam, S.I. Buxar Town P.S. Town & District- Buxar.
5. Durweshi Khatun, W/o Suraj Kumar, Resident of Village- Yadavchak, P.S.-
Parsa Bazar, District- Patna.
6. Md. Bashir Ahmad, S/o Late Abdul Hakim, Resident of Koirpurwa, Ward No.
28, P.S. Buxar Town, Town & District- Buxar.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Dineshwar Mishra

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 28-03-2018

This writ application has been preferred by the petitioner for quashing the First Information Report vide Buxar Town P.S. Case No.497 of 2017 dated 17.08.2017 registered under Section 366(A)/34 of the Indian Penal Code.

The petitioner Suraj Kumar has married one Durweshi Khatun @ Puja in accordance with the Hindu Rights and Customs. The respondent no.6 Md. Bashir Ahmad, who happens to be the uncle of girl, has lodged the F.I.R. alleging that the petitioner Suraj Kumar had taken away the girl, on the basis of the allegations made in the



written report submitted by Md. Bashir Ahmad (respondent no.6) a formal F.I.R. has been registered. The petitioner as well as respondent no.5 Durweshi Khatun and respondent no.6 Md. Bashir Ahmad are present in Court.

The documents showing date of birth of the petitioner as well as respondent no.5 Durweshi Khatun which are enclosed with the writ application are not in dispute. Therefore, admittedly, both of them are adult and can marry according to their own will and volition. The marriage photographs, affidavits and marriage certificate of Baba Biteshwar Nath Mandir have been brought on record and both of them who are present with the learned counsel for the petitioner in the Court admit that they have married out of love and affection without there being any enticement or allurement on the part of the petitioner.

Learned counsel representing the respondent no.6 submits that he had lodged the F.I.R. because he was not aware of the fact that both of them have married and now that he has come to know that they have married he has no objection to that marriage and he is not willing to interfere with their conjugal life.

Learned counsel for the State is present.

In the facts and circumstances which have been brought to the notice of this Court and in view of the stand taken by the parties, this Court is of the opinion that the F.I.R. being Buxar



Town P.S. Case No.497 of 2017 is fit to be quashed. Therefore, the F.I.R. being Buxar Town P.S. Case No.497 of 2017 dated 17.08.2017 registered under Section 366(A)/34 of the Indian Penal Code is quashed. The respondent nos.2 and 3 are also directed to protect the couple if they feel any threat perception to their life.

The writ application is, accordingly, allowed.

(Rajeev Ranjan Prasad, J)

Arvind/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	29.03.2018
Transmission Date	29.03.2018

