

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.1081 of 2019**

Arising Out of PS. Case No.-113 Year-2019 Thana- AURANGABAD TOWN District-  
Aurangabad

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BENKATESH KUMAR @ DHIRAJ SHARMA Son of Bindhyachal Sharma  
R/o - Kaithi Bankat, P.S.- Haspura, Dist. - Aurangabad

... .. Petitioner

Versus

1. The State Of Bihar, through the Home Secretary, Govt. Of Bihar
2. The Director General of Police, Govt. of Bihar, Patna
3. The D.I.G. of the Police, Magadah Region, Gaya
4. The Superintendent of Police, Aurangabad
5. The S.D.P.O., Aurangabad Sadar, Aurangabad
6. The Officer - in - charge, P.S. Aurangabad Cum I.O. of Aurangabad Nagar  
P.S. case No.113/19, Dist.- Aurangabad
7. Ramayan Pandey Son of Late Umesh Pandey Resident of Village - Sri  
Krishna Nagar, P.S.- Nagar Aurangabad, Dist.- Aurangabad

... .. Respondents

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**Appearance :**

For the Petitioner : Mr.Shubhesh Pandey, Advocate  
For the Respondent-State: Mr.Prabhat Kumar Verma, AAG-3

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**  
**ORAL JUDGMENT**

**Date : 22-07-2019**

Heard learned counsel for the petitioner and learned  
counsel for the State.

2. This application under Articles 226 and 227 of  
the Constitution of India has been filed by the petitioner for  
quashing the first information report (for short 'FIR') of  
Aurangabad (Town) P. S. Case No. 113 of 2019 dated 21.04.2019  
registered under Section 366 read with Section 34 of the Indian  
Penal Code.



3. Learned counsel for the petitioner submitted that the allegations made in the FIR are false. The alleged victim is a major girl. Out of her own sweet will, she went together with the petitioner and voluntarily married him.

4. Per contra, learned counsel appearing for the State submitted that the informant, Ram Narayan Pandey, in his written statement submitted to the Officer-in-charge, Aurangabad Town Police Station on 21.04.2019, has alleged that his daughter, aged about 18 years, was going together with her mother on 18.04.2019 at about 5.30 p.m. to offer prayer in the Durga Mandir near Brahmarshi Chowk, Aurangabad but, in the meantime, the petitioner along with others came there on a Bolero jeep. They started assaulting his daughter. When his wife protested, the accused Vindhyachal Sharma and his wife pushed aside his wife and bodily lifted his daughter and put her into the vehicle, climbed back into it and sped away. He submitted that the allegations made in the FIR are quite serious.

5. I have heard learned counsel for the parties and carefully perused the record.

6. The allegations made in the FIR are quite serious and they do attract the ingredients of a cognizable offence. To hold investigation into a cognizable offence is the statutory



right of the police. The defence taken by the petitioner that the victim went together with him out of her own sweet will and married him is to be examined by the police in course of investigation. At the stage of investigation, the court would not come to any conclusion regarding veracity of allegations made in the FIR. It is well settled principle of law that at this stage, the Court has no role to play. The role of the Court would start only after the investigation is completed and a report under Section 173(2) of the Code of Criminal Procedure is filed. Various documents, on which reliance has been placed by the petitioner, can be looked into by the police in course of investigation.

7. Keeping in mind the facts, as noted above, since the allegations made in the FIR do attract the ingredients of a cognizable offence, I see no reason to quash the FIR.

8. Accordingly, the application is dismissed.

**(Ashwani Kumar Singh, J)**

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| AFR/NAFR          | NAFR       |
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