

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44206 of 2021

Arising Out of PS. Case No.-361 Year-2020 Thana- BARH District- Patna

SHARVESH KUMAR Son of Kalindra Paswan Resident of Village -
Budhanpur, P.S. - Barh, District - Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Sita Devi W/O- Arvind Paswan Resident of Village- Budhanpura, P.S.-Barh,
District- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Munish Kumar, Adv. Ms. Minakshi Kumari, Adv. Mr. Munna Ray, Adv.
For the Opposite Party/s :		Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 09-10-2023 1. Heard learned counsel for the petitioner and learned
APP for the State.

2. The learned counsel for the petitioner submits that
by order dated 23.02.2023, notices were issued on O.P. No. 2,
accordingly, the notices were filed in time but from perusal of
the office report dated 07.10.2023, it would manifest that the
same record that the O.P. No.2 refused to accept the registered
notice, as such, it is submitted that notices be accepted to be
validly served. In view of the office report dated 07.10.2023 that
the O.P. No.2 refused to accept the registered notice, the notice
is treated to be served validly.

3. The learned counsel for the petitioner next submits



that the present quashing application has been filed seeking quashing of the F.I.R. being Barh P.S. Case No. 361/2020 instituted under Sections 363 and 366 of the Indian Penal Code. It is next submitted that the informant Sita Devi alleges that on 02.09.2020 at about 11.00 A.M., she went to Barh for withdrawing cash but when she came back home, she did not find her daughter Beauty Kumari, aged about 23 years in the house and during course of search, it transpired that the petitioner had enticed away her daughter for the purposes of marriage.

4. The learned counsel further submits that from perusal of the allegation, as alleged in the F.I.R., it would manifest that the victim is a major, it is further submitted that the victim's statement was recorded under section 164 Cr.P.C., wherein she has not supported the case of the prosecution rather has stated that she performed court marriage with the petitioner on 02.09.2020, and thereafter, left for Bangalore. The learned counsel next submits that this perhaps explains why the O.P. No.2 refused to accept the notice, which was issued by this court. The learned counsel further submits that the petitioner and the victim are leading a happy married life and out of the wedlock, a child was born.



5. The learned APP opposes.

6. Considering the submissions and the fact that O.P. No.2 has refused to accept the notice, the court, prima facie, is of the opinion that it is not a case of abduction rather it was a case of elopement which was given a criminal colour and since the victim is staying with the petitioner, as is evident from her statement recorded under section 164 Cr.P.C., as such, F.I.R. i.e. Barh P.S. Case No. 361/2020 instituted under sections 363 and 366 of the Indian Penal Code is hereby quashed.

(Satyavrat Verma, J)

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