

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58994 of 2022

Arising Out of PS. Case No.-327 Year-2016 Thana- PATRAKARNAGAR District- Patna

1. KUNAL KUMAR Son of Late Premchand Sahu R/o Prabha Kunj, Boring Road, Tulsi Path, P.S. Krishnapuri, District - Patna.
2. Rahul Kumar Son of Late Premchand Sahu R/o Prabha Kunj, Boring Road, Tulsi Path, P.S. Krishnapuri, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mira Devi Wife of Late Shatrughan Prasad R/o Mohalla - Rajiv Nagar, Mahatma Gandhi Nagar, P.S.- Kankarbagh, District - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Udit Narayan Singh, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 26-09-2023 1. Heard learned counsel for the petitioners and learned APP for the State along with learned counsel for the informant, Sri Ajay Kumar Singh No.-1.

2. The learned counsel for the informant, at the outset, submits that he has instructions to make submission that the informant will have no objection in the event if the order dated 15.02.2017 taking cognizance under Sections 448, 323, 363, 511, 506 and 34 of the Indian Penal Code by Kumari Vijaya, Sub-Judge, X-Cum-ACJM, Patna in Patrakar Nagar P.S. Case No. 327 of 2016 is quashed. It is next submitted that O.P. No. 2 is mother-in-law of petitioner no. 1 and petitioner no. 2 is



brother of petitioner no. 1. It is also submitted that on account of dispute which was there in the family, as such, the FIR came to be instituted when the petitioner no. 2 had come to visit the O.P. No. 2 where his minor son was staying. It is next submitted that petitioner no. 1 wanted to take his son outside the house which was construed as kidnapping by the O.P. No. 2.

3. The learned counsel for the petitioners also concurs with the submission of the learned counsel for the informant.

4. Considering the submissions made by the learned counsel for the informant, the order dated 15.02.2017 passed by Kumari Vijaya, Sub-Judge- X-Cum-ACJM, Patna in Patrakar Nagar P.S. Case No. 327 of 2016 whereby cognizance has been taken under Sections 448, 323, 363, 511, 506 and 34 of the Indian Penal Code **is hereby quashed.**

5. Accordingly, the present quashing application stands allowed.

(Satyavrat Verma, J)

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