

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14779 of 2017

Arising Out of PS. Case No.-487 Year-2015 Thana- KAHALGAON District- Bhagalpur

RESHAV KUMAR YADAV @ RISHAV KUMAR YADAV @ RISHAV YADAV Son of Upendra Prasad Yadav, Resident of Village- Chaprasitola Guljarbag, Police Station- Godda, District- Godda.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Most Murti Devi W/O Late Sudish Harijan resident of village- Jaitipur, P.S.- Kahalgaon (Shiv Narayanpur), P.O.-Rampur District- Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Jha
For the Opposite Party/s : Mr.Sri Ram Priya Saran Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 12-01-2024 Heard learned counsel for the petitioner, learned counsel for the State as well as learned counsel for the Opposite Party No.2.

2. The learned counsel for the petitioner submits that the present quashing application has been filed seeking quashing of the order dated 01.12.2016 passed by learned Sessions Judge, Bhagalpur in Cr. Revision No.147 of 2016, affirming the order dated 12.07.2016 passed by learned C.J.M., Bhagalpur in Kahalgaon (Shivnarayanpur) P.S. Case No. 487 of 2015 whereby cognizance of offence under Sections 363 and 366 of the I.P.C. was taken.

3. The learned counsel for the petitioner submits that



he was implicated in a false case by the Opposite Party No.2 herein who alleged that her minor maternal grand daughter aged about 16 years was missing since 17.11.2015 and despite hectic search she could not be located. Further, that the victim was being harassed by named accused persons in the F.I.R. while she used to go for tuition. Thus, on the basis of suspicion, it was alleged that the victim might have been kidnapped by the named accused persons for the purposes of marriage.

4. The learned counsel next submits that police after investigation came to a considered conclusion that the petitioner has been falsely implicated in the present case and thus submitted final form in his favour but the learned Magistrate differing with the police report took cognizance. It is next submitted that it absolutely does not stand to reason that when police after investigation found the petitioner innocent then based on the same police report, what materials transpired before the learned Magistrate to arrive at a different conclusion leading to taking of cognizance when the victim even in her statement recorded under Section 164 Cr.P.C. has not named the petitioner.

5. The learned counsel appearing on behalf of the Opposite Party No.2 submits that he has instruction to make



submission that Opposite Party No.2 does not oppose the quashing application and will have no grievance in the event if the order taking cognizance is quashed.

6. Considering the submission made by learned counsel for the petitioner and also taking into note the submission made by learned counsel for the O.P. No.2, the order dated 01.12.2016 passed by the learned Sessions Judge, Bhagalpur in Cr. Revision No.147 of 2016 and affirming the order dated 12.07.2016 passed by learned C.J.M., Bhagalpur in Kahalgaon (Shivnarayanpur) P.S. Case No. 487 of 2015 whereby cognizance of offence under Sections 363 and 366 of the I.P.C. was taken is hereby quashed.

(Satyavrat Verma, J)

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