

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1256 of 2023

Arising Out of PS. Case No.-191 Year-2019 Thana- AKHODHIGOLA District- Rohtas

Ajit Kumar @ Kiran Rajwar, son of Upendra Ram, resident of village -
Mahuari, P.S. - Akorhi Gola, Distt. - Rohtas

... .. Petitioner

Versus

1. The State of Bihar through the D.G.P. Bihar, Patna Bihar
2. The Superintendent of Police, Rohtas.
3. The Dy. Superintendent of Police, Dehri, Rohtas.
4. The Officer-In-Charge, Akorhi Gola, P.S. - Rohtas.
5. Ramashray Paswan, son of Late Triveni Paswan.
6. Raj Kumari, D/o Ramashray Paswan, wife of Ajit Kumar.
Both Resident of village - Mahuari, P.S. - Akorhi Gola, Distt. -
Rohtas

... .. Respondents

Appearance :

For the Petitioner : Mr. Dineshwar Mishra, Advocate
For the Respondents : Mr. M. Nasrul Huda Khan, S.C.-1

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 02-05-2024 Heard learned counsel for the petitioner and
learned counsel for the State.

2. This criminal writ application has been filed
for quashing the F.I.R. viz. Akorhi Gola P.S. Case No.191 of
2019 registered for the offence under sections 366-A/34 of the
Indian Penal Code.

3. As per the F.I.R. the daughter of the
informant (respondent no.6) went to attend the nature's call but
she did not return. In the morning, the informant came to know



that the petitioner has kidnapped his daughter for the purposes of marriage. Accordingly, the present F.I.R. has been lodged by the informant.

4. Learned counsel for the petitioner submits that the petitioner and the daughter of the informant (respondent no.6) are major and they have solemnized marriage and since it was an inter-caste marriage the father of the girl has lodged the present case in order to harass the petitioner. He further submits that the victim girl in her statement has stated that she got married with the petitioner and they have been blessed with a daughter.

5. Having considered the submissions of the parties and on perusal of the record, it appears that the victim girl (respondent no.6) and the petitioner are major. They have solemnized marriage and they are staying together as husband and wife. They have a child born out of their wedlock. The victim girl has also sworn an affidavit before the Oath Commissioner stating therein that the present F.I.R. has been filed by her father due to their inter-caste marriage and one baby girl has also born out of their wedlock.

6. In these circumstances, I am of the view that the present F.I.R. is a malicious one instituted with an ulterior



motive for wreaking vengeance on the petitioner due to personal grudge and the continuance of the prosecution of the petitioner will be an abuse of the process of the Court.

7. Considering the aforesaid facts and in the interest of justice, this application is allowed and the F.I.R. vide Akorhi Gola P.S. case no.191 of 2019 and all consequential proceedings arising out of the aforesaid F.I.R. are hereby quashed with respect to present petitioner.

(Sandeep Kumar, J)

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