

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76477 of 2024**

Arising Out of PS. Case No.-565 Year-2024 Thana- DANAPUR District- Patna

Kunal Kumar S/o- Late Naresh Kumar Gupta Resident of Mohalla- RPS
More Sarjug Sadan Apartment Lane No- 3 PS-Rupaspur District- Patna
... .. Petitioner/s

Versus

1. The State of Bihar
2. Smt. Sujata Gupta @ Sujata Kumari D/o- Ajay Kumar, W/o- Kunal Kumar
Moh- Dujra Ps- Budha colony Dist- Patna
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivanand Singh, Adv
For the Opposite Party/s : Mr. Mohammad Sufyan, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT**

Date : 16-06-2025

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

2. The present quashing petition has been preferred
to quash the FIR bearing Danapur P.S. Case No. 565 of 2024
District Patna for the offence punishable under Sections
498A, 354(C), 341, 323, 506 and 34 of the Indian Penal
Code.

3. Learned counsel appearing on behalf of petitioner
submitted that daughter Kavya, who is the only female child is
with petitioner from the very beginning. It is also submitted
that O.P. No. 2 did not supported the mediation proceeding,
which is one of the reason for its failure.

4. Taking contrary note it is pointed out by



learned counsel appearing for O.P. No. 2 that submission as advanced by learned counsel for the petitioner is apparently false as he filed Guardianship Case No. 02 of 2025 before the Court of learned Principal Judge, Family Court, Patna for the custody of daughter Kavya.

5. It is submitted that aforesaid petition was filed making statement on affidavit that daughter Kavya was not in custody of petitioner being father. It is submitted that on 27.05.2025 petitioner alongwith certain unknown persons entered in the house of O.P. No. 2 and forcibly took her daughter. It is submitted that for said inter parental kidnapping of female child, the FIR was lodged by O.P. No. 2 on the same very day, which is being registered as Budha Colony P.S. Case No. 206 of 2025 dated 28.05.2025.

6. It is further submitted by learned counsel for O.P. No.2 that allegation of committing cruelty is specific against petitioner being husband. It is also pointed out that the issues as raised by learned counsel for the petitioner cannot be looked into, at this stage as issues are raised in defence, which can be looked into only during trial. In support



of his submissions learned counsel relied upon the legal report of Hon’ble Supreme Court as available through **State Vs. Eluri Srinivasa Chakravarthi and Others** as reported in **2025 SCC OnLine SC 1215.**

7. In view of aforesaid factual and legal discussions as mediation proceeding failed between the parties, where petitioner being husband is also facing allegation of inter parental kidnapping as discussed aforesaid, coupled with fact as issues which are raised by petitioner, in support of his defence cannot be looked at this stage as same can looked only during the course of trial in view of **Chakravarthi Case (supra)**, accordingly present quashing petition stands dismissed being devoid of any merit.

8. TCR (Trial Court Records), if any, be returned to the learned Trial Court alongwith the copy of this judgment.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

AFR/NAFR	NAFR
CAV DATE	NA
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