

---

**(2008) 01 PAT CK 0168**  
**In the Patna High Court**  
**Case No : Criminal WJC No. 603 of 2007**

Manorma Devi and Others

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

---

**Date of Decision :** 10-01-2008

**Acts Referred:**

Penal Code, 1860 (IPC) — Section 366A

**Citation :** (2008) 1 PLJR 821

**Hon'ble Judges :** V.N. Sinha, J

**Bench :** Single Bench

**Advocate :** Shakil Ahmad Khan and Surendra Kishore Thakur, for the Appellant;  
Humayun Akbar Khan, for the Respondent

**Final Decision :** Allowed

---

## Judgement

V.N. Sinha, J.—Heard learned counsel for the petitioners and the State. Petitioners in the two applications have filed these writ applications for quashing the First Information Report of Bagaha P.S. Case No. 347 of 2007 dated 26.6.2007 registered for the offence u/s 366A of the Penal Code. It appears, informant in the said First Information Report alleged that his daughter Rukmini Singh, petitioner in Cr.W.J.C. No. 570 of 2007 eloped with petitioner No. 2 of Cr.W.J.C. No. 603 of 2007 and she was assisted in her action by the mother, brother and the two cousins of petitioner No. 2 who are petitioners No. 1,3,4 and 5 in the said Cr.W.J.C. No. 603 of 2007. During investigation the Investigating Agency has concluded that on the alleged date of occurrence both Rukmini Singh and Banti Kumar @ Sachin Kumar were above the permissible age of marriage. In support of such conclusion counter affidavit has been filed by the Investigating Agency annexing the Photostat copy of the relevant statements recorded in the case diary which were duly verified from the school register.

2. Learned counsel for the petitioner in support of the prayer made in the two applications have relied on the judgment of the Hon''ble Supreme Court in the case of Lata Singh vs. State of U.P. & Anr., reported in 2006 (3) PLJR (SC) 329

paragraphs 14 and 18. It is submitted with reference to the said judgment that if Rukmini Singh and Banti Kumar @ Sachin Kumar were above the permissible age of marriage then the authorities were not justified in registering the First Information Report against petitioners of Cr.W.J.C. No. 603 of 2007.

3. During investigation the Investigating Agency has found the age of the boy and girl to be above the permissible age of marriage, in the circumstances, I am of the view that the First Information Report bearing No. Bagaha P.S. Case No. 347 of 2007 dated 26.6.2007 should be quashed, which is accordingly quashed. Both the writ applications are, accordingly, allowed.