

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.4121 of 2007
MD.JAFAR @ MD.JAFAR ALAM, son of Marhum
Master Abdool Rahman, resident of
village-Atasarai, p.S.-Islampur, District-
Nalanda.

Versus

1. THE STATE OF BIHAR
2. Md.Idrish, son of Marhum Karim
Mian, resident of village-
Parwalpur, P.S.-Hilsa, Dist.-Nalanda.

07/ 31-03-2009

Heard learned counsel for the parties.

This application has been filed for quashing of order dated 19.8.2005, by which the learned Judicial Magistrate, Ist Class, Hilsa has taken cognizance against the accused persons under Sections 420 and 366 of the Indian Penal Code in Complaint Case No.449C of 2005.

A complaint has been filed with the allegation that this petitioner along with two others came to the complainant's village to marry his daughter and for the same purpose fare demanded Rs.3,000/-. Further complainant along with his daughter followed all the three to Panipat but on reaching Panipat, his daughter was separated from him on wrong pretext and she did not return.

Submission of the learned counsel for the petitioner is that whole incident took place at Panipat and Hilsa was lacking its territorial jurisdiction but I failed to understand that as if complainant was cheated at Hilsa and there was any kidnapping whatsoever the purpose, a circumstance was created from Hilsa in the case. If it establishes that there was kidnapping, then no force was used, rather there was some allurements and some wrong presentation. In the case

Hilsa has important role to play, otherwise also allegation made in the complaint petition is prima facie sufficient to constitute the alleged offences under Sections 420 and 366 of the Penal Code.

Thus, I find that it is not a fit case in which there can be any interference by this Court.

Accordingly, this application is dismissed.

AH/

(Mandhata Singh, J.)

