

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 11357 of 2023

Petitioner :- Smt. Munisha And 2 Others

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Gyan Prakash Mishra

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Vivek Kumar Singh,J.

Rejoinder affidavit filed by learned counsel for the petitioners is taken on record.

Heard learned counsel for the petitioners and learned A.G.A. for the State.

The instant writ petition seeks quashing of the FIR dated 24.5.2023 giving rise to Case Crime No.205 of 2023, under Section 363 I.P.C., Police Station- Gulawathi, District- Bulandshahr.

It is sought to be contended that the victim petitioner no.2 is major although first information report states that she is minor.

Learned A.G.A. has filed counter affidavit annexing thereto transfer certificate issued from the Primary School, Chirchita, Block and District Bulandshahr wherein the date of birth of the victim is recorded as 3.2.2006. It is therefore, clear that the victim was minor on the date of incident.

The allegation in the first information report, therefore, contains ingredients of a cognizable offence.

The writ petition is therefore dismissed, without prejudice to the right of the petitioners to apply for bail/anticipatory bail.

Order Date :- 18.10.2023

Dev/-