

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 14821 of 2023

Petitioner :- Alok Kannaujiya And 6 Others

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Hari Pratap Singh, Prashant Pandey

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

1. Supplementary affidavit filed today is taken on record.
2. Heard Sri Prashant Pandey, learned counsel for the petitioners and Sri G.P. Singh, learned A.G.A. for the State and perused the record.
3. This writ petition has been filed Seeking quashing of the first information report dated 01.05.2023 in Case Crime no. 154 of 2023, under Sections 366, 120B IPC, P.S. Bardah, District Azamgarh.
4. The contention of learned counsel for the petitioners is that as per AADHAR card, the date of birth of the victim is 3.1.2002 and petitioner no. 1 is 26.7.2005 and both are major and are having live-in-relationship with each other out of their own free will and as such no offence under Sections 366 IPC is made out.
5. Be that as it may, the writ petition is disposed off with a direction to the victim-Shweta Maurya to appear before the Chief Judicial Magistrate concerned for recording her statement under Section 164 of Cr.P.C., on or before 25.11.2023. In the event, the victim appears before the Chief Judicial Magistrate concerned within the stipulated period, the Chief Judicial Magistrate concerned shall record her statement under Section 164 Cr.P.C. in further two weeks and thereafter the Investigating Officer shall proceed in accordance with law.
6. For a period of two months, the respondents are restrained to arrest the petitioners pursuant to first information report dated 1.5.2023.

Order Date :- 13.10.2023

Lalit Shukla