

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 15103 of 2023

Petitioner :- Jeya Parveen And 4 Others

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

Counsel for Petitioner :- Meraj Ahmad Khan, Krishna Madhaw Pandey

Counsel for Respondent :- G.A., Sudhir Kumar Tripathi

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

1. Heard Shri Meraj Ahmad Khan and Shri Krishna Madhaw Pandey, learned counsel for the petitioners, Shri Sudhir Kumar Tripathi, learned counsel for the informant, Shri G.P. Singh, learned A.G.A. for the State and perused the record.

2. This writ petition has been filed Seeking quashing of the first information report dated 08.09.2023 in Case Crime no. 313 of 2023, under Section 366, 504, 506 IPC, P.S. Tiwaripur, District Gorakhpur.

3. The contention of the learned counsel for the petitioners is that as per AADHAR card, the date of birth of the petitioner no. 1 is 05.12.1991 and as per High School Certificate of petitioner no. 2 is 21.10.1994 and both are major and have married with each other out of their own free will and petition is supported by joint affidavit, as such no offence under Section 366 I.P.C. is made out.

4. Be that as it may, the writ petition is disposed off with a direction to the petitioner no.1-Smt. Jeya Parveen, daughter of Rafi Ahmad to appear before the Chief Judicial Magistrate concerned for recording her statement under Section 164 of Cr.P.C., on or before 27.10.2023. In the event, petitioner no.1 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.

5. For a period of two months, the respondents are restrained to arrest the petitioners pursuant to first information report dated 08.09.2023 in Case Crime no. 313 of 2023, under Section 366, 504, 506 IPC, P.S. Tiwaripur, District Gorakhpur.

Order Date :- 12.10.2023

Ujjawal