

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 16221 of 2023

Petitioner :- Ravi Gupta And 2 Others

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

Counsel for Petitioner :- Tariq Maqbool Khan, Mohd Raees Ansari

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

1. Heard Shri T.M. Khan, learned counsel for the petitioners, Shri Virendra Kumar Pal 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 17.09.2023 in Case Crime no. 491 of 2023, under Sections 366, 504 IPC, P.S. Nawabganj, District Bareilly.

3. The contention of the learned counsel for the petitioners is that the victim herself has come forward to challenge the impugned First Information Report as petitioner no. 4 and admittedly she is aged about 21 years. It is submitted that FIR has been lodged on false ground and the correct fact is that petitioner no. 4, the victim herein Sneha Sharma had herself left her house willingly as she wants to pursue her studies, which is not being permitted by her parents.

4. Per contra, learned A.G.A. has opposed the prayer.

5. Be that as it may, the writ petition is disposed off with a direction to the petitioner no.4-Sneha Sharma, daughter of Bharat Sharma to appear before the Chief Judicial Magistrate concerned for recording her statement under Section 164 of Cr.P.C., on or before 08.11.2023. In the event, petitioner no.4 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 17.09.2023 in Case Crime no. 491 of 2023, under Sections 366, 504 IPC, P.S. Nawabganj, District Bareilly.

Order Date :- 27.10.2023

Shafique