

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 15834 of 2023

Petitioner :- Kaiksa @ Kahkasha Anjum And Another

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

Counsel for Petitioner :- Girish Vishwakarma

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Vivek Kumar Singh,J.

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

The instant writ petition seeks quashing of the FIR dated 15.09.2023 giving rise to Case Crime No.0541 of 2023, under Section 363 I.P.C., Police Station- Kotwali, District- Maharajganj.

The allegation in the F.I.R. is that victim is minor. This fact has been sought to be controverted on the basis of Aadhar Card.

It is settled law that the Aadhar Card is not a valid document for determination of the age of a person. Therefore, the submission of the learned counsel for the petitioner cannot be accepted.

Moreover, there is no material on record to controvert the allegation made in the F.I.R. that the petitioner no. 1 is minor.

Under the circumstances the allegation made in the F.I.R. clearly constitute a cognizable offence. Therefore, prayer of the petitioners to quash the First Information Report is completely misconceived and is rejected.

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

Order Date :- 31.10.2023

Bhanu