

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 16045 of 2023

Petitioner :- Mamta And Another

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

Counsel for Petitioner :- Ajay Kumar Pal, Kuldeep Singh Yadav

Counsel for Respondent :- G.A., Arvind Kumar Maurya

Hon'ble Anjani Kumar Mishra, J.

Hon'ble Vivek Kumar Singh, J.

Heard learned counsel for the petitioners, learned counsel for the first informant and learned A.G.A. for the State.

This writ petition seeks quashing of the F.I.R. dated 18.07.2023 giving rise to Case Crime No.0095 of 2023, under Sections- 363, 366, 506 I.P.C., Police Station- Rajgadh, District- Mirzapur.

The first information report alleges that the victim is minor which is sought to be controverted by the counsel for the petitioners relying upon her adhar card and birth certificate. An adhar card is not a document to be relied upon for determining the age of a person. The birth certificate filed with the writ has been issued after lodging of the first information report.

Counsel for the first informant has produced the educational records of the victim i.e. her class- IV mark-sheet and also the progress report card along with the certificate of the Head Master of Higher Primary School Bhavanipur, Rajgadh, Mirzapur, according to which the date of birth of the victim is 08.06.2006. These documents are taken on record.

In view of the above, it is clear that the allegation in the first information report that the victim is minor is substantially borne out. Moreover, the allegations in the first information report contains the ingredients of cognizable offence.

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

Order Date :- 18.10.2023

Saif