

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 15947 of 2023

Petitioner :- Varsha Devi And 7 Others

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

Counsel for Petitioner :- Suresh Dhar Dwivedi

Counsel for Respondent :- G.A.,Bhupendra Gangwar,Kuldeep Kumar Dixit

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard Sri Suresh Dhar Dwivedi, learned counsel for the petitioners, Sri Kuldeep Kumar Dixit, learned counsel for the informant and Sri Ratan 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 25.09.2023 in Case Crime no. 504 of 2023, under Sections 363 IPC, P.S. Nigohi, District Shahjahanpur.

3. The contention of the learned counsel for the petitioners is that as per FIR age of petitioner no. 1-Varsha Devi is about 18 years and as per AADHAR card, her date of birth is 22.07.2004 and therefore she is major, as such no offence under Section 363 I.P.C. is made out.

4. Learned counsel for the informant submits that victim has not attained the age of majority and there is no educational document which could ascertain that victim is major.

5. Be that as it may, the writ petition is disposed off with a direction to the petitioner no.1-Varsha Devi daughter of Sri Uday Veer Singh to appear before the Chief Judicial Magistrate concerned for recording her statement under Section 164 of Cr.P.C., on or before 09.11.2023. 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.

6. For a period of two months, the respondents are restrained to arrest the petitioners pursuant to first information report dated

25.09.2023 in Case Crime no. 504 of 2023, under Sections 363
IPC, P.S. Nigohi, District Shahjahanpur.

Order Date :- 30.10.2023
Ujjawal