

Court No. - 67

Case :- CRIMINAL MISC. WRIT PETITION No. - 17213 of 2023

Petitioner :- Tripuresh Yadav Alias Rahul Yadav And Another

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

Counsel for Petitioner :- Ajeet Kumar Yadav

Counsel for Respondent :- G.A.

Hon'ble Rahul Chaturvedi,J.

Hon'ble Mohd. Azhar Husain Idrisi,J.

Heard Sri Ajeet Kumar Yadav, learned counsel for the petitioners as well as learned A.G.A. for the State and perused the record.

By means of this present petition, petitioners prayed to stay the arrest of the petitioner in pursuance of the FIR dated 10.09.2023 registered as Case Crime No. 0310 of 2023, under Section 366 IPC, Police Station Shyam Deurwa, District Maharajganj during the pendency of present writ petition.

The contention raised by the learned counsel for the petitioners is that the petitioners are legally wedded husband and wife. As per High School Certificate, age of the petition no. 2 namely Smt. Khushboo Kumari is 06.05.1997 whereas the petitioner no. 1 is of 39 years old and they have given a joint affidavit and now they are happily residing couple. Learned counsel for the petitioners has shown the Marriage Certificate at Annexure No. 3 of the writ petition which has been issued by the Registrar Marriage dated 11.09.2023. Since both the parties are major and couple have every right to chose their life partner.

Exercising her right she has chosen to the petitioner her husband and they are residing happily life.

Under these circumstances, they are entitled to be protected and they shall not be arrested during investigation, however, it is incumbent upon them to participate in the investigation. It is also expected from the I.O. of the case to conclude the investigation within next 90 days and submit its report under Section 173(2) Cr.P.C. Till submission of the report under Section 173(2) Cr.P.C petitioners shall not be arrested in the aforesaid case.

With the above observation, the writ petition is **disposed of**.

Order Date :- 2.11.2023

Israr