

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 16433 of 2023

Petitioner :- Jayshri And 4 Others

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

Counsel for Petitioner :- Suvrat Dwivedi, Akarsh Dwivedi, Varchasva Dwivedi

Counsel for Respondent :- G.A., Dinesh Kumar Singh

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

1. Heard Shri Akarsh Dwivedi, learned counsel for the petitioners, Shri Dinesh Kumar Singh, learned counsel for the informant and Shri Surendra 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 18.09.2023 in Case Crime no. 0147 of 2023, under Section 366 IPC, P.S. Rampura, District Jalaun.

3. Submission of learned counsel for the petitioners is that petitioner no. 1 who is a victim herself and is a married lady has come forward to challenge the present FIR, in para 9 and 10 of the petition she has clearly stated that she herself had gone with petitioner no. 2 without any force, coercion or misrepresentation and an affidavit regarding this fact has been sent to Superintendent of Police, Orai, as such, no offence under Section 366 has been made out.

4. Per contra, learned counsel for the informant submits that petitioner no. 1 is a married lady and wife of informant, as such cognizable offence has been made out.

5. Be that as it may, the writ petition is disposed off with a direction to the petitioner no.1-Smt. Jayshri, wife of Yatendra Kumar to appear before the Chief Judicial Magistrate concerned for recording her statement under Section 164 of Cr.P.C., on or before 27.10.2023. 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 18.09.2023 in Case Crime no. 0147 of 2023, under Section 366 IPC, P.S. Rampura, District Jalaun.

Order Date :- 17.10.2023

Ujjawal