

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 16719 of 2023

Petitioner :- Prashant Kumar @Ravi

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

Counsel for Petitioner :- Prasant Rathor, Sanjay Gangwar

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra, J.

Hon'ble Mohd. Azhar Husain Idrisi, J.

1. Heard learned counsel for the petitioner and learned A.G.A. for the State.
2. The instant writ petition seeks quashing of the FIR dated 23.12.2023 giving rise to Case Crime No.376 of 2023, under Sections 363, 366, 506 I.P.C., Police Station- Jahanabad, District- Pilibhit.
3. The impugned FIR alleges that the victim was minor on the date of incident. This is controverted on the basis of Birth Certificate of the victim which has been filed as Annexure 5 to the writ petition.
4. Learned AGA has produced the copy of the High School Certificate of the victim wherein her date of birth is recorded as 07.01.2006. A copy of this document is taken on record.
5. Since, the High School Certificate is conclusive insofar as the age of a person is concerned and this document clearly shows that victim is minor, the allegations in the first information report constitute the ingredients of a cognizable offence. Under the circumstances, the first information report cannot be quashed.
6. The writ petition is therefore dismissed, without prejudice to the right of the petitioners to apply for bail/anticipatory bail.

Order Date :- 27.10.2023

Aditya Tripathi