

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 16646 of 2023

Petitioner :- Nakul

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

Counsel for Petitioner :- Santosh Kukmar Tiwari

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Donadi Ramesh,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 27.09.2023 giving rise to Case Crime No.770 of 2023, under Sections 363, 323, 504, 506 I.P.C., Police Station- Baradari, District- Bareilly.

3. The petition has been filed by the accused Nakul. In paragraph 7 of the writ petition, it has been averred as follows:

"That the victim is the consenting party with Nakul and she went by her own will with the Nakul and the petitioner has no concerned with the co-accused Nakul."

4. More importantly, the first information report alleges that the victim is minor. There is nothing on record which may lead this Court to construe that the victim is not minor.

5. Under the circumstances and since the allegations made in the First Information Report clearly disclose commission of cognizable offences and the allegations are serious in nature. Therefore, 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 :- 26.10.2023\Aditya Tripathi