

Court No. - 67

Case :- CRIMINAL MISC. WRIT PETITION No. - 16703 of 2023

Petitioner :- Aarti And Another

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

Counsel for Petitioner :- Sanjai Srivastava

Counsel for Respondent :- G.A.

Hon'ble Rahul Chaturvedi,J.

Hon'ble Mohd. Azhar Husain Idrisi,J.

Heard learned counsel for the petitioners and learned AGA for the State.

The present writ petition is being preferred assailing the legality and validity of the FIR dated 06.10.2023 registered as case crime no. 0106 of 2023, under Section 366 IPC, P.S. Patwai, District Rampur.

Learned counsel for the petitioners contends that there is joint affidavit clearly indicative of the fact that both of them are major and reside peacefully as husband and wife have got married on 03.08.2021. Learned counsel for the petitioner submits that he has applied for registration of marriage through online mode. As per the FIR, the age of the girl 21 years, she is major girl and every right to decide her future and by exercising her right she has chosen Ravindra Singh, petitioner no.2 as her life partner. Under these circumstances, the interest of the petitioners has to be protected.

In view of the above, it is made clear that investigation shall go on. The interest of the petitioners is protected till submission of police report under Section 173(2) Cr.P.C., and the petitioners shall not be arrested, provided the petitioners shall actively participated in the investigation and shall appear before the I.O. as and when required.

It is made clear that the petitioners shall cooperate with the investigation and it is incumbent upon the the I.O. of the case shall submit its report under Section 173(2) Cr.P.C. latest by December 2023.

With this observation the present writ petition stands disposed of.

Order Date :- 26.10.2023

Abhishek Sri.