

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 16815 of 2023

Petitioner :- Sonam And Another

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

Counsel for Petitioner :- Nand Shyam, Jash Ram

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

1. Heard Sri Jash Ram Yadav, learned counsel for the petitioners, Sru Shailesh Kumar Tiwari, learned counsel for the informant and learned A.G.A. for the State and perused the record.

2. Learned counsel for the informant states that he has already filed his vakalatnama on 28.10.2023.

3. This writ petition has been filed Seeking quashing of the first information report dated 10.10.2023 in Case Crime no. 0229 of 2023, under Section 363 IPC, P.S. Bakewar, District Fatehpur.

4. The contention of the learned counsel for the petitioners is that as per High School Certificate, the date of birth of the petitioner no. 1- Sonam is 21.2.2004 and as per High School certificate of petitioner no. 2 - Sudheer Kumar Vishwakarma his date of birth is 10.12.2000 and both are major and have married with each other out of their own free will and as such no offence under Section 363 and 366 I.P.C. is made out.

5. Be that as it may, the writ petition is disposed off with a direction to the petitioner no.1- Sonam, wife of Sudheer Kumar Vishwakarma and daughter of Shri Ram Gopal to appear before the Chief Judicial Magistrate concerned for recording her statement under Section 164 of Cr.P.C., on or before 27.12.2023. 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 10.10.2023 in Case Crime no. 0229 of 2023, under Section 363 IPC, P.S. Bakewar, District Fatehpur.

Order Date :- 28.10.2023/S.K.S.