

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 16956 of 2023

Petitioner :- Smt.Deepa And Another

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

Counsel for Petitioner :- Rakesh Tripathi I

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Vivek Kumar Singh,J.

Heard learned counsel for the petitioners and learned A.G.A.

The writ petition seeks quashing of the F.I.R. dated 10.10.2023 giving rise to Case Crime No.450 of 2023, under Sections 363 I.P.C., Police Station- Garhmukteshwar, District- Hapur.

The first information report alleges that the victim is minor which is sought to be controverted by the counsel for the petitioners relying upon the Adhar Card.

It is settled law that Adhar Card is not admissible for determination of age of a person. Therefore, reliance upon the Adhar Card cannot be accepted. Moreover, apart from the document which has been discarded above, no other document is there which would even *prima facie* show that the victim is major as sought to be conveyed by way of this writ petition.

Under these circumstances the allegation contained in the first information report constitute a cognizable offence. Therefore, first information report cannot be quashed.

The writ petition is, accordingly, dismissed.

Order Date :- 30.10.2023

Dev/-