

Court No. - 67

Case :- CRIMINAL MISC. WRIT PETITION No. - 17164 of 2023

Petitioner :- Karishma And Another

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

Counsel for Petitioner :- Indra Pal Singh Rajpoot, Sanjay Kumar

Counsel for Respondent :- G.A.

Hon'ble Rahul Chaturvedi, J.

Hon'ble Mohd. Azhar Husain Idrisi, J.

Heard Sri Sanjay Kumar, learned counsel for the petitioners, learned A.G.A. appearing for the State-respondents and perused the record.

The petitioners, by means of this writ petition under Article 226 of the Constitution of India, have invoked the inherent jurisdiction of this Court with prayer to quash the impugned First Information Report dated 7.3.2023 registered as Case Crime No. 95 of 2023, under Section 363 IPC, P.S. Kulpahad, District Mahoba.

Upon hearing learned counsel for the parties and upon a perusal of the record, we find that as per the High School Certificate, the date of birth of girl (petitioner no. 1) is 4.7.2005 and she was enticed away by the petitioner no. 2 on 4.3.2023. Thus, at the time of incident the girl (petitioner no. 1) is provenly a minor girl and it is alleged that both of them had performed marriage.

Under the circumstances, we do not see any good reason to quash the FIR in exercise of power conferred under Article 226 of the Constitution of India.

Accordingly, the prayer for quashing the FIR is declined and refused.

However, it is open for the petitioners, if so advised, they shall move proper anticipatory bail application before the appropriate forum, within ten days from today.

It is also made clear that the Court is not expressing any opinion on the merits of the case. The court concerned is expected to apply its robust and judicial discretion in deciding the

anticipatory bail application as early as possible.

With the above observation, the writ petition is **disposed of**.

Order Date :- 2.11.2023

M. Tarik