

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 17121 of 2023

Petitioner :- Deepanshu Samariya And Another

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

Counsel for Petitioner :- Anil Kumar Tripathi

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Sri Arunesh Singh filed his vakalatnama along with short counter affidavit on behalf of the respondent no. 4 is taken on record.
2. Heard Sri Aditya Kumar Tripathi, holding brief of Sri Anil Kumar Tripathi, learned counsel for the petitioners as well as learned A.G.A. for the State respondents and Sri Arunesh Singh, learned counsel for the informant and perused the record.
3. The present writ petition has been preferred with the prayer to quash the impugned First Information Report dated 11.10.2023 registered as Case Crime No. 0236 of 2023, under Sections 376, 328, 323, 504, 506, 384 IPC, P.S. Achhnera, District Paschimi, and for a direction to the respondents not to arrest the petitioners in pursuance of impugned First Information Report.
4. Learned counsel for respondent no. 4 has filed short counter affidavit annexing therein certificate of registration of marriage dated 16.10.2023 and petitioner no. 1 and respondent no. 4 have married each other on 13.10.2023 and in view of her statement made in the short counter affidavit, no offence as alleged is made out.
5. In such view of the matter, the present petition is disposed of with a direction to the Investigating Officer to take into account the certificate of registration of marriage and all other documents as may be placed before him by the petitioners as well as the informant and proceed accordingly.
6. The same may be done preferably within a period of one month or till submission of police report under Section 173 (2) CrPC,

whichever is earlier, the petitioners herein shall not be arrested in pursuance of the impugned First Information Report 1.10.2023 registered as Case Crime No. 0236 of 2023, under Sections 376, 328, 323, 504, 506, 384 IPC, P.S. Achhnera, District Paschimi, provided the petitioners cooperates in the investigation.

7. The petition is disposed of.

Order Date :- 29.11.2023

Ujjawal