

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 17124 of 2023

Petitioner :- Smt. Reetu And 3 Others

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

Counsel for Petitioner :- Rakesh Pati Tiwari

Counsel for Respondent :- G.A.,Lalit Prakash

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Vivek Kumar Singh,J.

1. Heard learned counsel for the petitioners, Mr. Srawan Kumar Swankar, learned counsel for the first informant and learned A.G.A. for the State.
2. The instant writ petition seeks quashing of the FIR dated 04.10.2023 giving rise to Case Crime No.336 of 2023, under Sections 504, 366, 363 I.P.C., Police Station- Deorania, District-Bareilly.
- 3.The contention of learned counsel for the petitioners is that the victim as per the allegations in the first information report is 17 years old. This is sought to be controverted by learned counsel for the petitioners relying upon the Aadhar Card of the victim which shows that she is major.
4. Learned counsel for the first informant has produced the High Schoold Marksheet of the victim wherein her date of birth is recorded as 01.01.2007.
5. The High School Certificate/mark-sheet is conclusive evidence insofar as date of birth of a person is concerned and according to the said marksheet the victim is minor.
6. Under the circumstances and since the allegations made in the First Information Report contain the ingredients of a cognizable offence. Such a first information report cannot be quashed.
7. The writ petition is therefore dismissed, without prejudice to the right of the petitioners to apply for bail/anticipatory bail.

Order Date :- 1.11.2023

Aditya Tripathi