

Court No. - 67

Case :- CRIMINAL MISC. WRIT PETITION No. - 17419 of 2023

Petitioner :- Smt Muskan Baby And Another

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

Counsel for Petitioner :- Laloo Yadav, Kiran Rani

Counsel for Respondent :- G.A.

Hon'ble Rahul Chaturvedi, J.

Hon'ble Syed Qamar Hasan Rizvi, J.

Heard Shri Ashutosh Kumar Gupta holding brief of Shri Laloo Yadav, learned counsel for the petitioners as well as learned A.G.A.

By means of the present petition, the petitioners are assailing the legality and validity of the F.I.R. dated 26.10.2023 registered as case crime No. 0317 of 2023, under Section 366 IPC, police station Sidnagali, district Amroha.

Learned counsel for the petitioners submits that the petitioners are happily married persons and the present F.I.R. has been lodged by respondent No. 4 accusing the petitioner No. 2 for the alleged act of enticement of his daughter. In the F.I.R., the informant has mentioned the date of birth of the victim as 2004, and as such, the age of the girl is almost 18 years. She is a major girl and has got every right to choose her partner and she has chosen Sarfaraz as her life partner. Both the petitioners have performed the marriage on 23.10.2023 and the copy of the Nikahnama is annexed as annexure No. 4 to the writ petition. Not only this, they have applied for registration of their marriage and now they are happily resided as husband and wife. Further submission is that pursuant to the present F.I.R. the police personal are harassing the petitioners, who are the legally wedded husband and wife.

Under the circumstances, learned counsel for the petitioners submits that if some breathing time may be given, they may get their marriage registered.

It is contended by learned counsel for the petitioners that the petitioners are ready to participate in the investigation provided the interest of the petitioners are protected.

Under the circumstances, the interest of the petitioners in pursuance of 26.10.2023 as case crime no. 0317 of 2023, under Section 366 IPC, police station Sidnagali, district Amroha is protected and petitioners shall not be arrested during investigation or till the submission of the report under section 173(2) Cr.P.C.

The copy of this order will be served by 30th of November, 2023 upon the Investigating Officer, who shall conduct impartial and transparent investigation and submit report within a period of 90 days from the date of production of certified copy of this order.

However, this interim protection granted to the petitioners shall be operative till the submission of police report under Section 173(2) Cr.P.C.

It is incumbent upon the petitioners to actively participate in the investigation and shall remain present before the Investigating Officer, as and when required by him for the purposes of investigation.

With this observation, the present petition stands disposed of.

Order Date :- 20.11.2023

Sumaira