

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 18028 of 2023

Petitioner :- Bebi And Another

Respondent :- State Of U P And 2 Others

Counsel for Petitioner :- Jai Prakash Singh

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Arun Kumar Singh Deshwal,J.

1. Heard learned counsel for the petitioner, 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 23.08.2023 giving rise to Case Crime No.310 of 2023, under Sections 363, 366 I.P.C., Police Station- Dadon, District- Aligarh.
3. The contention of learned counsel for the petitioners is that the allegation in the First Information Report that the victim is minor is incorrect. For this purpose, reliance has been placed upon Aadhar Card.
4. Learned AGA has produced the School Leaving Certificate of the victim, according to which the age of the petitioner is about 16 years.
5. It is therefore, clear that the victim is minor and the submissions made are without substance. The copy of the School Leaving Certificate produced by learned AGA is taken on record.
6. Upon hearing learned counsel for the parties and upon a perusal of the record, we find that the submissions made on behalf of the petitioner are his defence, which cannot be looked into while dealing with a writ petition seeking quashing of a first information report.
7. Moreover, the allegations made in the First Information Report clearly disclose commission of cognizable offences and the allegations are serious in nature. Therefore, prayer of the petitioner to quash the First Information Report is completely misconceived and is rejected.
8. The writ petition is therefore ***dismissed***, without prejudice to the right of the petitioners to apply for bail/anticipatory bail.

Order Date :- 29.11.2023/Anjali