

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 18233 of 2023

Petitioner :- Asha And Another

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

Counsel for Petitioner :- Santosh Kukmar Tiwari

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Arun Kumar Singh Deshwal,J.

1. Heard learned counsel for the petitioners, learned counsel for the first informant and learned AGA.
2. The writ petition seeks quashing of the F.I.R. dated 17.09.2023 giving rise to Case Crime No.623 of 2023, under Section 363 I.P.C., Police Station- Roza, District- Shahjahanpur.
3. The FIR alleges that the victim is minor. This is sought to be controverted by the learned counsel for the petitioner on the basis of a Adhar Card.
4. It is settled law that Adhar Card is not admissible for determination of the age of a person. Therefore, reliance upon the Adhar Card cannot be accepted. No other document is available on record which would even prima facie show that the victim is major as is sought to be conveyed by way of this writ petition.
5. Under the circumstances and since the allegations in the FIR constitute a cognizable offence, the FIR cannot be quashed.
6. The petition is, therefore, dismissed.

Order Date :- 23.11.2023

Himanshu