

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 18386 of 2023

Petitioner :- Rohit And 3 Others

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

Counsel for Petitioner :- Shashank Singh, Shrey Singh

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

1. Heard Shri Shashank Singh, learned counsel for the petitioners, Shri Awadhesh Kumar, learned counsel for the informant, whose Vakalatnama filed today is taken on record and Shri Vivek Shukla, learned A.G.A. for the State.

2. This writ petition has been filed Seeking quashing of the first information report dated 30.10.2023 in Case Crime no. 0657 of 2023, under Sections 120-B, 366 IPC, P.S. Ramgarh Taal, District Gorakhpur.

3. Submission of learned counsel for the petitioners is that admittedly the victim is major and even as per the First Information Report it is quite clear that she had left voluntarily after taking money and other relevant document with her including ATM, bank pass book and Aadhar Card, and she had also submitted an application by registered post to the S.S.P., Gorakhpur that she had left voluntarily.

4. Learned counsel for the informant has disputed the same, however, it is admitted fact that the victim is major.

5. Learned A.G.A. has no instructions to the contrary.

6. Be that as it may, the writ petition is disposed off with a direction to the petitioner no.2-Brahma Nand Paswan to produce victim-Sudha Kumari before the Chief Judicial Magistrate concerned for recording her statement under Section 164 of Cr.P.C., on or before **13.12.2023**. In the event, the victim-Sudha Kumari appears before the Chief Judicial Magistrate concerned within the stipulated period, the Chief Judicial Magistrate concerned shall record her statement under Section 164 Cr.P.C. in

further two weeks and thereafter the Investigating Officer shall proceed in accordance with law.

7. For a period of two months, the respondents are restrained to arrest the petitioners pursuant to first information report dated 30.10.2023 in Case Crime no. 0657 of 2023, under Sections 120-B, 366 IPC, P.S. Ramgarh Taal, District Gorakhpur.

Order Date :- 28.11.2023

Shafique