

Court No. - 67

Case :- CRIMINAL MISC. WRIT PETITION No. - 18459 of 2023

Petitioner :- Smt. Khushi And Another

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

Counsel for Petitioner :- Kirt Raj Yadav

Counsel for Respondent :- G.A.

Hon'ble Rahul Chaturvedi,J.

Hon'ble Mohd. Azhar Husain Idrisi,J.

Heard Sri K.R. Yadav, learned counsel for the petitioners, learned A.G.A. for the State and perused the record.

By means of the present writ petition under Article 226 of the Constitution of India, the petitioners are assailing the legality and validity of the F.I.R. dated 09.11.2023 registered as case crime No. 372 of 2023, under Section 366 I.P.C., Police Station-Ahroula, District Azamgarh.

Learned counsel for the petitioners submits that as per F.I.R. so lodged by mother of the victim, the petitioner no. 2 Deepak Gaud is named accused person. It is alleged in the F.I.R. that the victim's date of birth is 01.08.2005 and on the date of incident i.e. 31.10.2023, she is major girl. She has decided to marry with the petitioner no. 2 Deepak Gaud and they have performed their marriage at Arya Samaj Mandir, Civil Lines, Prayagraj without any coercion on 16.11.2023.

Taking into account the position that the petitioners are major and they have decided to marry and living happily as husband and wife, the interest of the petitioners shall be protected and they shall not be arrested provided they cooperate in the investigation as and when required.

The concerned Investigating Officer is directed to conclude the investigation and submit report under Section 173(2) Cr.P.C. as early as possible.

With the aforesaid observation, this writ petition is **disposed of**.

Order Date :- 28.11.2023

Rmk.