

Court No. - 9

Case :- CRIMINAL MISC. WRIT PETITION No. - 4781 of 2023

Petitioner :- Jyotsna @ Jyotsna Pandey And Another

Respondent :- State Of U.P. Thru. Prin. Secy. Home Govt. Of Civil Sectt. Lko. And 3 Others

Counsel for Petitioner :- Ran Vijay Yadav

Counsel for Respondent :- G.A.

Hon'ble Dinesh Kumar Singh,J.

Hon'ble Syed Qamar Hasan Rizvi,J.

1. Heard learned counsel for the petitioners and learned Additional Government Advocate for the State.
2. The present petition has been filed by two persons namely Jyotsna @ Jyotsna Pandey and Aman Yadav jointly under Article 226 of the Constitution of India, praying therein for quashing of the F.I.R. dated 13.06.2023 lodged by the father of petitioner no.1, Jyotsna @ Jyotsna Pandey.
3. The petitioners are present in the Court who have been duly identified by Ran Vijay Yadav, their counsel. Ms. Jyotsna @ Jyotsna Pandey states that her date of birth is 15.08.2000 and she has completed her M.A. in Geography. She has been in relation with petitioner no.2 for the last three years and they have performed marriage in a temple. She further states that she wants to live with petitioner no.2 and she went with petitioner no.2 out of her home by her own free will and without any coercion or force.
4. Considering the stand of petitioner no.1, this Court would like to dispose of the writ petition with a direction to the petitioner no. 1 to appear before the Investigating Officer on 26.06.2023 who will record her statement under Section 161 of Cr.P.C. and will produce her before the Magistrate for recording of her statement under Section 164 Cr.P.C. The medical examination of petitioner no.1 shall also be conducted. The Investigating Officer is directed to proceed with the matter only if some offence is made out.
5. Till the Investigating Officer records the statement of petitioner no.1 under Section 161 of Cr.P.C. and get her statement recorded under Section 164 of Cr.P.C., petitioner no. 2 shall not be arrested in the F.I.R. in question.

6. With the aforesaid direction, the present writ petition stands **disposed of.**

(Syed Qamar Hasan Rizvi, J.) (Dinesh Kumar Singh, J.)

Order Date :- 22.6.2023

Abhishek Gupta