

Court No. - 9

Case :- CRIMINAL MISC. WRIT PETITION No. - 4814 of 2023

Petitioner :- Kavita And Another

Respondent :- State Of U.P. Thru. Prin. Secy. Home, Lucknow And Others

Counsel for Petitioner :- Surya Prakash, Ashutosh Mishra

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 under Article 226 of the Constitution of India has been filed seeking quashing of the F.I.R. dated 13.06.2023 which is registered as F.I.R. No. 0412/2023, under Section 363, 366 I.P.C. at Police Station Nighasan, District Lakhimpur Kheri.
3. The petitioners are present in the Court. Court has interacted with Kavita, petitioner no.1, who said that she went with the petitioner no.2 out of her free will and without any coercion or force.
4. Considering the aforesaid fact and stand of petitioner no.1, we dispose of this petition with direction to petitioner no. 1 to appear before the Investigating Officer on 26.06.2023. The Investigating Officer shall record the statement of petitioner no.1, Kavita under Section 161 of Cr.P.C. and will produce her before the Magistrate for recording of her statement under Section 164 of Cr.P.C. Petitioner no. 1 would be medically examined to determine her medical age and after recording the statements of petitioner no.1 under Section 161 & 164 of Cr.P.C. and getting her medically examined, if any offence is made out, then the Investigating Officer shall proceed with the matter. Till such a course of action is completed, petitioner no.2 shall not be arrested in the F.I.R. in question.

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

Order Date :- 21.6.2023/Abhishek Gupta