

Court No. - 9

Case :- CRIMINAL MISC. WRIT PETITION No. - 4815 of 2023

Petitioner :- Seema Sahu And Another

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

Counsel for Petitioner :- D.P. Dutt Tiwari

Counsel for Respondent :- G.A.

Hon'ble Dinesh Kumar Singh,J.

Hon'ble Syed Qamar Hasan Rizvi,J.

1. Heard learned counsel appearing for the accused-petitioners and learned Additional Government Advocate appearing for the State.
2. Present petition under Article 226 of the Constitution of India has been filed seeking quashing of the FIR No.0291 of 2023 registered on 14.06.2023 under Sections 366, 506 IPC, Police Station Maurawan, District Unnao on the complaint of the father of petitioner No.1 alleging that petitioner No.2 had enticed away her daughter (petitioner No.1) on 09.06.2023 at around 12:00 A.M. Petitioner No.1 had also taken away Rs.2,50,000/- cash and jewellery with her, which was kept for her marriage. It is also alleged that accused-petitioner No.2 and his family members have given threats to the family members of the complainant.
3. Sri D.P. Dutt Tiwari, learned counsel appearing for the petitioners submits that the petitioners are major. They performed marriage on 12.06.2023, and the marriage has also got registered on 14.06.2023, copy whereof alongwith some photographs have also been placed on record. High school certificate of the prosecutrix has also been placed on record wherein date of birth of the prosecutrix has been mentioned as 26.04.2002.
4. Considering the facts and documents, present petition is **disposed of** with a direction to petitioner No.1 to appear before the Investigating Officer on Monday i.e. 26.06.2023. Investigation Officer will record her statement under Section 161 Cr.P.C. and also under Section 164 Cr.P.C. After recording the statements, if the offence is made out, then only the Investigating Officer will proceed in the matter.
5. Till the statement of the victim is recorded under Sections 161 and 164 Cr.P.C. and she is medically examined, the petitioner No.2 shall not be arrested in pursuance of the FIR In question.

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

Order Date :- 21.6.2023/prateek