

Court No. - 9

Case :- CRIMINAL MISC. WRIT PETITION No. - 4840 of 2023

Petitioner :- Smt. Saumya Gupta And Another

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

Counsel for Petitioner :- Santosh Kumar Kanaujia

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.0290 of 2023 under Section 366 IPC, Police Station-Purakalander, District Ayodhya. on a complaint of the brother of petitioner No.1 alleging that petitioner No.2 had enticed away his sister (petitioner No.1) on 11.06.2023 at around 2:30 A.M.
3. Sri Santosh Kumar Kanaujia, learned counsel appearing for the petitioners submits that the petitioners are major. They performed marriage on 13.06.2023, a photocopy of the marriage certificate is 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 10.01.1998.
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 :- 22.6.2023

Piyush/-