

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8001 of 2023

Petitioner :- Smt. Anita And Another

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

Counsel for Petitioner :- Irfan Alam

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Ajai Kumar Srivastava-I,J.

Heard learned counsel for the petitioners, learned A.G.A. for the State and perused the record.

This petition has been filed by the petitioners for the following main prayers :

"Issue a writ, order or direction in the nature of certiorari thereby quashing First Information Report No.0281/2023, under Section 363 I.P.C. at Police Station Utraula, District Balrampur.

Issue a writ, order or direction in the nature of mandamus be issued commanding the opposite parties not to arrest the petitioners in pursuance of the impugned First Information Report No.0281 of 2023, under Section 363 I.P.C. at Police Station Utraula, District Balrampur.

Issue a writ, order or direction in the nature of mandamus thereby commanding the opposite parties not to disturb the peaceful marriage life of the petitioner nos.1 and 2 in pursuance of the impugned First Information Report No.0281 of 2023, under Section 363 I.P.C. at Police Station Utraula, District Balrampur."

It has been submitted by learned counsel for the petitioners that it has been wrongly mentioned in the F.I.R. that the petitioner no.1 is 16 years of age. In fact, the Aadhar Card of the petitioner no.1 shows her to be born on 01.01.2004.

Learned A.G.A., on the basis of instructions dated 16.10.2023 sent by Sub-Inspector, Ramesh Chandra Upadhyaya, says that the petitioner no.1 has studied till Class-V in Prarthmik Vidyalaya Badhai Purwa, District Balrampur. A copy of the school leaving certificate issued on 30.03.2019 by the Head Master of the said school shows her date of birth to be 07.04.2007.

A copy of the case diary has also been produced before this Court.

This Court finds no good ground to show interference in the impugned F.I.R.

This petition is **disposed of** with a direction to the petitioner no.2 to produce the petitioner no.1 before Investigating Officer, who shall produce her before the court concerned for recording of her statement under Sections 161 and 164 Cr.P.C. respectively.

Order Date :- 16.10.2023
Mahesh