

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8064 of 2023

Petitioner :- Ajeet Alias Gaddar And Another

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

Counsel for Petitioner :- Rahul Singh Rana

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Karunesh Singh Pawar,J.

Heard learned counsel for the petitioners, learned A.G.A. for the State and Sri Jai Karan, Advocate, who has filed power on behalf of the respondent no.4.

This petition has been filed with the following main prayer:-

"Issue a Writ, order or direction in the nature of Certiorari for quashing the impugned First Information Report so far as it relates with the petitioner no.1 vide F.I.R. No.322/2023 under Section 363, 366 I.P.C. registered on 01.10.2023 at Police Station- Sareni, District Raebareli contained as Annexure No.1 in the interest of justice."

It has been submitted by learned counsel for the petitioners that although the F.I.R. states that the victim is minor and 17 years old, infact the petitioner no.2 is major as per the birth certificate issued by the Gram Panchayat Lahripur, a copy of which has been filed as annexure-3 to the petition.

Learned counsel for the respondent no.4 says that the birth certificate, a copy of which has been filed as annexure to the petition, has been issued only on 07.10.2023 after lodging of the F.I.R. and it shows sex of the child as 'Male'. He has also produced before this Court a copy of the Aadhar Card of the petitioner no.2 which shows her date of birth as 07.03.2006. The original certificate issued by the Headmaster of B.N.S.D. Public School, Anand Nagar, Maharaniganj, Raebareli, has also been produced before this Court wherein it has been stated that in the Scholar Register, where the petitioner no.2 has studied, her date of

birth has been mentioned as 07.03.2006.

The certificate issued by the Headmaster of B.N.S.D. Public School, Anand Nagar, Maharani Ganj, Raebareilly, is kept on record.

After having examined the submissions advanced by learned counsel for the parties and perused the impugned F.I.R., we are of the opinion that the impugned F.I.R. discloses cognizable offence by the petitioners, hence, no interference is called for by this Court in its extraordinary power under Article 226 of the Constitution of India for quashing of the F.I.R. or for grant of any interim relief to the petitioners and accordingly, the present writ petition is ***dismissed***.

Order Date :- 17.10.2023

Rahul