

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8333 of 2023

Petitioner :- Sareeta And Another

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

Counsel for Petitioner :- D.P. Dutt Tiwari

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

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

This court had passed an order on 30.10.2023, which is being quoted herein below :-

"Heard learned counsel for the petitioners and learned A.G.A. for the State.

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

"To issue appropriate writ, order, direction in the nature of mandamus to the respondents, not to interfere in the peaceful marital life of the petitioners."

It has been submitted by learned counsel for the petitioners that the petitioners fell in love and got married but the petitioner no.1 was minor at that time, and therefore, F.I.R. No.138 of 2022 dated 10.06.2022 was lodged under Section 363/366 I.P.C. at Police Station Ghungter, District Barabanki. The petitioner no.2 was arrested and on his having been bailed out, the petitioner no.1 has again left her home and started living with the petitioner no.2.

Learned A.G.A. shall seek instructions in the matter.

List this case on 06.11.2023 as fresh."

Learned A.G.A. in pursuance of the said order has produced instruction sent by Sub Inspector, Police Station - Atariya, District - Sitapur wherein it has been stated the F.I.R. has been lodged on 20.10.2023 in Case Crime No. 248/2023, under Section 363, 366 IPC against Baliram, S/o Udan, Anjani, S/o

unknown. The victim has not yet been recovered. There, no substantial progress has been made in the matter.

This writ petition is **disposed of** with a direction to petitioner No.2 to approach the Investigating Officer concerned along with petitioner No.1 (alleged wife of petitioner No.2) for recording of her statement under Section 161 and 164 Cr.P.C. on 21st November, 2023 in between 10:00 A.M. to 1.00 P.M.

Till a decision is taken on the statement of the victim, by the Investigating Officer, petitioner No.2 - Balram Yadav, shall not be arrested in pursuance to the F.I.R. that has been lodged on 20.10.2023 under Case Crime No.248/2023, under Sections 363, 366 IPC, at Police Station Atariya, District Sitapur.

Order Date :- 6.11.2023

ML/-