

**Court No. - 10**

**Case :-** CRIMINAL MISC. WRIT PETITION No. - 8377 of 2023

**Petitioner :-** Moni And Another

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

**Counsel for Petitioner :-** Raghvendra Singh

**Counsel for Respondent :-** G.A.

**Hon'ble Mrs. Sangeeta Chandra,J.**

**Hon'ble Narendra Kumar Johari,J.**

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

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

*"issue a writ order or direction in the nature of Certiorari, thereby quashing the impugned First Information Report in FIR No.395 of 2023 under Section 363/366 IPC at the Police Station Harpalpur district Hardoi as contained in as annexure no.1 to this writ petition."*

Learned A.G.A. has produced before this Court instructions dated 29.11.2023 sent by Sri Dhirendra Kumar Verma, Sub Inspector, Police Station Harpalpur, District Hardoi, wherein it has been stated that on the basis of examination of the educational documents of the petitioner no.1, she was found to be 17 years and 3 months of age at the time of incident. Verification has also been done of the birth certificate allegedly issued by the Chief Medical Superintendent of the Women's Hospital Hardoi. A copy of which has been filed as annexure to the petition. The Chief Medical Superintendent, Women's Hospital Hardoi, has submitted a report on 14.11.2023 saying that no such certificate bearing No.B2023:09-9037-005583 has been issued showing the Date of Birth of the petitioner no.1 as 01.01.2004 by any competent Authority as per the records maintained in the District Women's Hospital Hardoi.

It has also been stated in the instructions that after the educational documents were examined

and the petitioner no.1 was found to be minor, her statements under Sections 161 of the Cr.P.C. and Section 164 of the Cr.P.C. have been recorded. Now, Section 376 of the I.P.C. and Section 3/4 of the P.O.C.S.O. Act have also been added.

Instructions are kept on record.

After having examined the submissions advanced by learned counsel for the parties and perused the impugned F.I.R. as also the instructions dated 29.11.2023, this Court finds no good ground to grant protection to petitioners as prayed for in this petition.

The writ petition stands ***dismissed***.

Interim order, if any, shall stand discharged.

**Order Date :- 30.11.2023**

Rahul