

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8835 of 2023

Petitioner :- Rampyari

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

Counsel for Petitioner :- Priyanshu Awasthi, Rajeew Mishra, Vinay Kumar

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Mrs. Jyotsna Sharma, J.

Heard learned counsel for the petitioner 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 quashing thereby the impugned First Information Report dated 06/09/2023 lodged by the opposite party no.4 against the petitioner registered as F.I.R. no.190 of 2023 under section 363/366 I.P.C. Police Station- Achalganj, District Unnao contained at Annexure No.1 to this writ petition, so far as it relates to the petitioner, in the interest of justice."

It has been submitted by learned counsel for the petitioner that as per the prosecution story one Mahesh has eloped with the daughter of the respondent no.4, who is only 13 years old and the petitioner has colluded with Mahesh and helped him to elope with the daughter of the informant-respondent no.4. In fact, the petitioner is the widow sister of the main accused Mahesh and she has no idea as to how and when her brother has eloped with the daughter of the respondent no.4.

Learned A.G.A. has produced before this Court instructions sent by Sri Harpal Singh, Sub Inspector, P.S. Achalganj, District Unnao, wherein it has been stated that the victim has been recovered and her radiological examination report shows her age to be 17 years, whereas her educational certificate shows her date of birth as 01.07.2010. She is minor. The statements of the victim under Section 161 and 164 Cr.P.C. have also

been recorded. The main accused Mahesh has also been arrested on 01.10.2023.

Since the victim has been recovered and the main accused has been arrested, this petition is ***disposed of*** with a direction to the Investigating Officer not to arrest the petitioner till some credible evidence is gathered against her on the basis of statement of the victim and other evidence.

Order Date :- 18.11.2023

Rahul