

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8883 of 2023

Petitioner :- Sanju Kumari And 2 Others

Respondent :- State Of U.P Thru. Addil. Chief Secy. Home Govt. Civil Sectr. Lko. And 3 Others

Counsel for Petitioner :- Prateek Shrivastava, Vivek Srivastava

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 quashing the impugned First Information Report dated 03.11.2023 as Case Crime no.248 of 2023 Under Section 363 of Indian Penal Code Police Station- Bazarshukl, District- Amethi, as contained in Annexure No.1 to this writ petition."

Learned A.G.A. has produced before this Court instructions dated 29.11.2023 sent by Sri Ram Vibhu Singh, Sub Inspector Bazarshukl, Amethi, wherein it has been stated that the petitioner no.1/ victim is illiterate. Her parents had indicated that she was only 16 years of age at the time of elopement on 11.10.2023.

It has been further stated in the instructions that the victim could not be traced, and, therefore, no definite opinion regarding her age can be given. The statement of the victim will be recorded as and when the victim appears before the Investigation Officer.

This petition is ***disposed of*** with a direction to the petitioner no.2 to produce the petitioner no.1 before the Investigating Officer of Case Crime No.0248 of 2023 on 08.12.2023 in between 10:00 am to 02:00 p.m. The Investigating Officer shall record the statement of the victim under Section 161 Cr.P.C. and get her medically examination

conducted and produce before the Magistrate concerned for her statement to be recorded thereafter.

For a period of ten days or till such statement is recorded under Section 164 Cr.P.C., whichever is earlier, the petitioner nos.2 & 3 shall not be arrested in pursuance of the impugned F.I.R. dated 03.11.2023 relating to Case Crime No.0248 of 2023 under Section 363 of the I.P.C.

Order Date :- 5.12.2023

Rahul