

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9005 of 2023

Petitioner :- Suraj Alias Bansilal Maurya

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

Counsel for Petitioner :- Salman Abbas, Syed Parvez Husain Rizvi, Syed Waqar Husain

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

Heard learned counsel for the petitioner and learned A.G.A. for the State-respondents.

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

"i. Issue a writ, order or direction in the nature of Certiorari it is most respectfully prayed to the Hon'ble Court may graciously be pleased to quash the impugned FIR Crime No.0134 of 2023, under Section 366 IPC, Police Station- Gaura Chauraha, District- Balrampur contained in Annexure No.1 of the writ petition.

ii. Issue a writ, order or direction in the nature of mandamus directing the opposite party Nos.2 and 3 to not interfere in the peaceful life of petitioner guaranteed under Article 21 of the Constitution of India-1950 in pursuance of the aforesaid malicious case noted above."

It has been submitted by learned counsel for the petitioner that the petitioner is live-in-relationship with the daughter of the complainant-respondent No.4. The respondent No.4 is annoyed with such conduct and has lodged the impugned FIR.

A short counter affidavit has been filed by alleged victim, who has been arrayed as respondent No.5. She said that she is living on her own will with the petitioner and there is no kidnapping or abduction or forceful compulsion on the part of the petitioner to marry.

This petition is **disposed of** with a direction to the petitioner to get recorded the statement of the respondent No.5 before the Investigating Officer concerned by producing her on 28th November, 2023 in between 10:00 am to 1:00 pm. The Investigating Officer-respondent No.3 shall thereafter get the statement of the victim recorded under Section 164 Cr.P.C. before the Magistrate concerned.

For a period of two weeks or till such statement of respondent No.5 is recorded before the court concerned under Section 164 Cr.P.C., the petitioner shall not be arrested in the impugned FIR.

Order Date :- 24.11.2023

Ashutosh Pandey