

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9209 of 2023

Petitioner :- Lichi And Another

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

Counsel for Petitioner :- Amarjeet 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 AGA for State-respondents.

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

"i) issue a writ, order or direction in the nature of Certiorari quashing the impugned First Information Report dated 26.11.2023 lodged by opp. party no.4 against petitioner no.2 as Case Crime No.0307 of 2023, under section 366 I.P.C. at Police Station- Ghunghter, District-Barabanki contained as Annexure no.1 to this writ petition.

ii) Issue a writ, order in the nature of Mandamus commanding the opp. parties particularly opp. party no.3 not to arrest or adopt any coercive process, against petitioner no.2 in respect of impugned First Information Report dated 26.11.2023 lodged by opp. party no.4 against petitioner no.2 as Case Crime No.0307 of 2023, under section 366 I.P.C. at Police Station- Ghunghter, District-Barabanki contained as Annexure no.1 to this writ petition."

It has been submitted by learned counsel for the petitioners that petitioner no.1 is a 22 years old major female and daughter of opp. party no.4, the informant who has lodged the FIR against petitioner no.2 alleging that he enticed away the petitioner, who ran away with cash of around two lakhs from her home. The petitioner submits that she had not eloped with petitioner no.2 rather she was annoyed with the conduct of opp. party no.4 who wanted to marry her off. She has no concern with the petitioner no.2 but petitioner no.2 had sought help from petitioner no.1 for running away from her house.

The petitioner no.1 wants to return back to her house but cannot

do so because of the FIR lodged against petitioner no.2 and the continuous harassment being made by one constable by the name of Subhash Dubey.

In view of the above, the petitioner no.1 shall appear before the opp. party no.3- Station House Officer, police station Ghunghter, District Barabanki on **07.12.2023 in between 10 a.m. to 2 p.m.**

The Station House Officer, P.S. Ghunghter, District Barabanki shall get the statement of the petitioner recorded and produce her before the magistrate concerned for her statement under Section 164 Cr.P.C.

It is further directed that the petitioners shall not be arrested in pursuance of the impugned FIR till the statement of petitioner no.1 is recorded by the Magistrate concerned.

The writ petition is accordingly **disposed of.**

Order Date :- 4.12.2023

Arnima