

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9281 of 2023

Petitioner :- Vali Urrehman Alias Sonu Ansari

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

Counsel for Petitioner :- Kumar Ayush

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 AGA for State-respondents.

Learned counsel for the petitioner has pointed out our earlier order dated 07.12.2023 which is being quoted herein below:-

"1. Heard learned counsel for the petitioner and learned A.G.A. who appears on behalf of the State Respondents.

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

"(i) A writ, order or direction in the nature of Certiorari quashing the First Information Report dated 22.11.2023 bearing Case Crime No. 326/2023, under Sections 363 IPC, P.S. Kotwali Nagar, District Behraich as contained in the Annexure No.1 to the present Writ Petition"

3. It has been submitted by the learned counsel for the petitioner that the petitioner was in love with the daughter of the opposite party no.4 and they eloped and got married in a temple, although the petitioner is a Muslim and his girlfriend is a Hindu. She was recovered after five days and her statement under Section 164 of the Cr.P.C. were recorded by the Magistrate where she stated her age to be 17 years and have married in a temple and living with the petitioner as his wife.

4. List this case on 14.12.2023 as fresh.

5. Learned A.G.A. for the State Respondents shall seek instructions with regard to the contents of the statement of the victim recorded under Section 164 of the Cr.P.C."

Learned AGA has produced before this Court instructions sent

by Sub-Inspector police station Kotwali Nagar, District Bahraich dated 11.12.2023 and the same is taken on record. In the said instructions it has been stated that the victim in her statement recorded under Section 161 Cr.P.C. had initially stated that she was 16 years old and she had gone on her own will from her house and when she was going to the market she was spotted by her parents who took her to the police station concerned and that Sonu Ansari alias Vali Urrehman- the petitioner had not enticed away the victim away. However when her statement under Section 164 Cr.P.C. was recorded before the Magistrate concerned, she stated that she was 17 years old and that she ran away with the petitioner to Motipur by bus. There the victim and the petitioner took a room on rent in Nayi Bazar and got married in a temple and started living together as husband and wife. It has been further stated the victim was in contact with the petitioner for the past one year and she had eloped with him on her own will and that she wanted to live with the petitioner and that she was afraid that her parents would kill her. On the basis of evidence collected, Section 376 IPC and Section 3/4 POCSO Act has been added and the petitioner Sonu Ansari alias Vali Urrehman has also been arrested on 10.12.2023 and sent to Jail.

In view of the above, this writ petition is **dismissed**.

Order Date :- 14.12.2023

Arnima