

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9368 of 2023

Petitioner :- Rampal Yadav Alias Ankur

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

Counsel for Petitioner :- Mulayam Singh Yadav, Arun Pratap Verma

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 and perused the record.

Under challenge in this petition is the First Information Report dated 26.11.2023, lodged at F.I.R./Case Crime No.520 of 2023, under Sections 363 IPC, at PS. -Risai, District -Bahraich.

It has been submitted by the learned counsel for the petitioner that as per the impugned F.I.R. dated 26.11.2023 Ankur S/o Dhillar had eloped with the daughter of the complainant with the help of some persons. The victim could not be recovered.

Learned A.G.A. has produced instructions sent by Sub Inspector, PS. -Risai, District -Bahraich wherein it has been stated that the victim has been recovered. Ram Pal Yadav @ Ankur had taken the victim on 18.11.2023 as per the statement of the victim recorded under Section 161 Cr.P.C. As per statement of the victim recorded under Section 164 Cr.P.C. it appears that the victim had gone along with the petitioner on her own. There is no allegation of enticement as alleged in the impugned F.I.R.

Accordingly, we **dispose of** this petition with a direction to the Investigating Officer to follow the mandate of Section 41A Cr.P.C. and also the directions issued by the Hon'ble Supreme Court in the case of ***Arnesh Kumar Vs. State of Bihar, reported in (2014) 8 SCC 273.***

Order Date :- 11.12.2023

Anuj Singh