

Smt Rashmi And Another vs State Of Up And 3 Others on 7 January, 2025

Author: Mahesh Chandra Tripathi

Bench: Mahesh Chandra Tripathi

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:3219-DB

Court No. - 42

Case :- CRIMINAL MISC. WRIT PETITION No. - 20775 of 2024

Petitioner :- Smt Rashmi And Another

Respondent :- State Of Up And 3 Others

Counsel for Petitioner :- Sunil Kumar

Counsel for Respondent :- Rajesh Kumar,G.A.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard learned counsel for the petitioners and learned A.G.A. for the State.

2. This writ petition has been filed by the petitioner with a prayer to issue a writ, order or direction in the nature of certiorari for quashing the impugned F.I.R. dated 25.9.2024 registered as Case Crime no. 153 of 2024, under section 137(2) Bhartiya Nyaya Sanhita, 2023, P.S. Malawan, District-Etah.

3. Learned counsel for the petitioners states that another coordinate Bench of this Court has entertained the writ petition on 19.11.2024 and accorded interim relief to the first petitioner and directed that the ossification test of the first petitioner be conducted and her statement under Section 183(5) of Bhartiya Nyaya Sanhita, 2023 also be recorded.

4. In response to the said order a detailed report dated 6.1.2025 has been submitted by the Judicial Magistrate, Etah.

5. From the perusal of the report dated 6.1.2025, it reflects that the ossification test of the first petitioner has been conducted and her statement under Section 183(5) Bhartiya Nyaya Sanhita has also been recorded. As per ossification test, the age of the victim/first petitioner is 16-17 and for being a minor, she was presented before the CWC, Etah and later on she was handed over to her parents.

6. Learned A.G.A. has vehemently opposed but could not dispute the factual aspect of the matter.

7. Considering the facts and circumstances of the case, we are not inclined to proceed further in the matter but at the same time we direct that Investigating Officer shall take into consideration the statement of the victim/first petitioner recorded under Section 183(5) Bhartiya Nyaya Sanhita, 2023 for six weeks as an interim measure.

5. Learned counsel for the petitioners submits that the victim/first petitioner has been handed over to her parents and as such, the cause of filing the writ petition no more survives. He further submits that he may be permitted to withdraw this writ petition and the writ petition is to be dismissed as not pressed.

6. In view of the above, the writ petition is dismissed as not pressed.

7. Needless to say, it is always open for the petitioners to invoke the remedy as available in law.

Order Date :- 7.1.2025 Faridul