

# **Smt. Shagun Dhama And Another vs State Of U.P. And 2 Others on 23 October, 2024**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2024:AHC:169719-DB

Court No. - 46

Case :- CRIMINAL MISC. WRIT PETITION No. - 19027 of 2024

Petitioner :- Smt. Shagun Dhama And Another

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Anand Prakash Dubey, Prashant Kumar Dubey

Counsel for Respondent :- G.A.

Hon'ble Arvind Singh Sangwan, J.

Hon'ble Vinod Diwakar, J.

1. Heard learned counsel for the petitioners and learned AGA for the State.
2. This writ petition has been filed seeking quashing of the first information report dated 05.10.2024 in Case Crime No. 0324 of 2024, under Section 87 of Bhartiya Nyaya Sanhita (B.N.S.), 2023, Police Station- Khekada, District- Baghpat.
3. Learned counsel for the petitioners submits that as per the FIR itself, the age of the petitioner no. 1 is 20 years, as her date of birth, as per High School mark-sheet is 3.4.2004. Learned counsel for the petitioners submits that the petitioner no. 1 has performed marriage with petitioner no. 2 and their marriage has been registered before Marriage Registration Officer, Ghaziabad. It is, therefore, argued that offence under Section 87 BNS is not made.

4. Learned counsel for the petitioners next submits that the informant/ respondent no.3 being mother of petitioner no. 1 is not happy with the marriage between the petitioners, therefore, he has filed the present criminal case on false and frivolous allegations.

5. Learned counsel for the petitioners, therefore, submitted that the present criminal proceedings initiated against the petitioners are not only malicious but also amount to an abuse of the process of law. Therefore, it is submitted that the proceedings of the above mentioned criminal case are liable to be quashed by this Court.

6. Be that as it may, the writ petition is disposed of with a direction to the Investigating Officer to produce the petitioner no. 1 before the concerned Chief Judicial Magistrate for recording her statement under Section 183 of Bhartiya Nagarik Suraksha Sanhita, 2023 within two weeks from today. In the event the petitioner No. 1 appears before the concerned Chief Judicial Magistrate within the stipulated period, the Chief Judicial Magistrate concerned shall record her statement under Section 183 of Bhartiya Nagarik Suraksha Sanhita, 2023 and thereafter, the Investigating Officer shall proceed in accordance with law.

7. Till submission of police report under Section 193 of Bhartiya Nagarik Suraksha Sanhita, 2023, the petitioner no.2 may not be arrested consequent to the impugned first information report dated 05.10.2024 in Case Crime No. 0324 of 2024, under Section 87 of Bhartiya Nyaya Sanhita (B.N.S.), 2023, Police Station- Khekada, District- Baghpat. It is also provided that the petitioners shall fully cooperate in the investigation, failing which they shall not be entitled to the benefit of this order.

Order Date :- 23.10.2024 Ujjawal