

Kajal And 2 Others vs State Of Up And 3 Others on 24 October, 2024

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2024:AHC:170634-DB

Court No. - 46

Case :- CRIMINAL MISC. WRIT PETITION No. - 19235 of 2024

Petitioner :- Kajal And 2 Others

Respondent :- State Of Up And 3 Others

Counsel for Petitioner :- Triloki Nath

Counsel for Respondent :- G.A.

Hon'ble Arvind Singh Sangwan,J.

Hon'ble Nalin Kumar Srivastava,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 04.09.2024 in Case Crime No. 0198 of 2024, under Section 363, 366 I.P.C., Police Station- Aurai, District- Bhadohi.
3. Learned counsel for the petitioners submits that both the petitioners are major as per High School certificates. She and the petitioner no. 2 have solemnized their marriage and they are living together as husband and wife out of their own free-will though they have no marriage certificate at present as they are on run.

4. Learned counsel for the petitioners next submits that the informant/ respondent no.3 being father 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, without commenting anything regarding the marital status of petitioner nos. 1 and 2, we disposed of this writ petition 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 04.09.2024 in Case Crime No. 0198 of 2024, under Section 363, 366 I.P.C., Police Station- Aurai, District- Bhadohi. 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 :- 24.10.2024 Fhd