

# **Anjumara Khatoon And 2 Others vs State Of U.P. And 2 Others on 7 February, 2018**

**Bench: Ramesh Sinha, Krishna Pratap Singh**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Court No. - 42

Case :- CRIMINAL MISC. WRIT PETITION No. - 2952 of 2018

Petitioner :- Anjumara Khatoon And 2 Others

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

Counsel for Petitioner :- Surendra Kumar Chaubey, Kamlesh Kumar Tiwari

Counsel for Respondent :- G.A.

Hon'ble Ramesh Sinha, J.

Hon'ble Krishna Pratap Singh, J.

Heard Sri S.K. Chaubey, learned counsel for the petitioners, Sri R.K. Mishra, learned Brief Holder for the State and perused the impugned FIR as well as material brought on record.

This petition has been filed by the petitioners with a prayer to quash the FIR dated 13.1.2018 registered as Case Crime No.10 of 2018, under Sections 363, 366, 352 I.P.C. and Section 7/8 POCSO Act, 2012, Police Station Ramkola, District Kushinagar.

Considering the submissions made by the learned counsel for the petitioners that the kidnapped girl shall be produced before the court concerned, it is directed that in case the alleged kidnapped girl Km. Anjumara Khatoon appears/produced before the court of learned C.J.M. concerned within 20 days from today and moves an application for her medical examination, recording her statement under section 161 Cr.P.C. and 164 Cr.P.C, the learned Magistrate concerned shall fix a date for the same purpose, on that date the first informant & officer in charge of the police station concerned shall be summoned, she shall be produced before C.M.O. concerned by the concerned police officer for her medical examination thereafter she shall be produced before CJM concerned for recording

her statement under section 164 Cr.P.C. the same shall be recorded on the application filed by the I.O./Officer in charge of the police station concerned, till then no coercive step shall be taken against the petitioners, in default of it, it shall be opened to the police authority concerned to arrest the petitioners, if she is found major and does not support the FIR version, the petitioners shall not be arrested till submission of the police report under section 173(2) Cr.P.C. but the petitioners shall co-operate with the investigation. In case the alleged kidnapped girl appears to be minor or if she is major but supports the prosecution version, it shall be opened to the police authority to arrest the petitioners. In case the petitioners approach the S.S.P. concerned to provide the security for the above mentioned purpose, the same shall be provided to them.

It is further directed that issue of custody of the alleged kidnapped girl shall also be decided by the CJM concerned in accordance with law.

With the above direction this petition is finally disposed of.

(Krishna Pratap Singh, J.) (Ramesh Sinha, J.) Order Date :- 7.2.2018/NS