

**Court No. - 2**

**Case :-** CRIMINAL MISC. WRIT PETITION No. - 4715 of 2023

**Petitioner :-** Sadaf Fatima And Another

**Respondent :-** State Of U.P. Thru. Prin. Secy. Deptt. Of Home, U.P.  
Lucknow And Others

**Counsel for Petitioner :-** Anand Kumar Srivastava

**Counsel for Respondent :-** G.A.

**Hon'ble Rajan Roy,J.**

**Hon'ble Suresh Kumar Gupta,J.**

Heard learned counsel for the petitioners and learned Additional Government Advocate for the State.

By means of this petition, the petitioners have sought quashing of First Information Report dated 12.06.2023 bearing Case Crime No.0202/2023 alleging commission of offence under Section-366 I.P.C. lodged with Police Station-Huzoorpur, District-Bahraich.

The contention of the learned counsel for the petitioners is that both petitioners no. 1 and 2 are major and they are presently living in live-in-relationship. He has invited our attention to the Marksheet-cum-Certificate of petitioner no. 1 wherein her date of birth is mentioned as 01.01.2005 which is annexed as Annexure No.2 to the writ petition. Thus, no offence under Section 366 I.P.C. is made out against the petitioners.

Prima facie, the contention appears to be correct subject however to any evidence being collected in this regard during investigation.

Let notice be issued to opposite party no.4.

Pleadings be exchanged between the parties within eight weeks.

List thereafter.

It is provided that until further orders the petitioners shall not be arrested in Case Crime No.0202/2023 dated 12.06.2023 alleging commission of offence under Section-366 I.P.C. lodged with Police Station-Huzoorpur, District-Bahraich unless there is sufficient and credible evidence available against them indicating commission of criminal offence as alleged in the impugned First Information Report. However, they shall cooperate in the investigation and if they do not do so then it can be made a ground for seeking vacation of this interim order.

**(Suresh Kumar Gupta,J.) (Rajan Roy,J.)**

**Order Date :-** 19.6.2023

Shanu/-