

Neeraj and Others Vs State of U.P. and Others

Court: Allahabad High Court

Date of Decision: March 21, 2013

Hon'ble Judges: Ravindra Singh, J and Anil Kumar Agarwal, J

Final Decision: Disposed Of

Judgement

Anil Kumar Agarwal, J.

Heard learned counsel for the petitioners, learned A.G.A. and Sri Sandeep Kr.Srivastava, learned counsel for the complainant.

Learned counsel for the petitioners is permitted to delete the name of petitioners No. 3,4 and 5.

This petition has been filed by the petitioners Smt. Neeraj And Others with a prayer to quash the FIR of case crime No. 78 of 2013 under

sections 363, 366 IPC, P.S. Gajraula, District Amroha.

From the perusal of the FIR it appears that on the basis of allegation made therein the prima facie cognizance offence is made out. There is no

scope of interfering in the FIR. Therefore, the prayer for quashing the FIR is refused.

However, considering the submissions made by the learned counsel for the petitioners that the kidnapped girl Smt. Neeraj is major and she has

performed the marriage with petitioner No. 2 Kuldeep and she is living in his company as his house wife with her free will and consent, it is

directed that in case the alleged kidnapped girl Smt. Neeraj appears/produced before the court of learned C.J.M. Amroha 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 open

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 cooperate 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 open to the police authority to arrest

the petitioner. 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.