
(2012) 01 AHC CK 0667
In the Allahabad High Court
Case No : Application No. 1418 of 2012

Lokesh @ Gola and Others

APPELLANT

Vs

State of U.P. and Another

RESPONDENT

Date of Decision : 12-01-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 164, 482
Penal Code, 1860 (IPC) — Section 363, 366

Citation : (2012) 01 AHC CK 0667

Hon'ble Judges : Bala Krishna Narayana, J

Bench : Single Bench

Final Decision : Disposed Of

Judgement

Hon"ble Bala Krishna Narayana, J.—Heard Learned Counsel for the applicants and learned A.G.A. for the State. This application u/s 482 Cr.P.C. has been filed by the applicants for quashing the proceedings of criminal Case No. 2453 of 2009 (State v Lokesh & another), under Sections 363 & 366 I.P.C. pending before the III Additional Chief Judicial Magistrate, Meerut (in short "the Magistrate").

2. It is contended that the impugned criminal prosecution has been launched against the applicants at the behest of opposite party No. 2 on account of her daughter, Smt. Savita alias Gulnaz, the opposite party No. 2, having married Lokesh alias Gola, applicant No. 1.

3. It is further contended that Smt. Savita alias Gulnaz has married the applicant No. 1, Lokesh alias Gola on her own accord and is living with him as his wife, yet the Investigating Officer has illegally submitted charge sheet against the applicants without recording the statement of the prosecutrix u/s 164 Cr.P.C.

4. In this view of the matter it is directed that the applicants shall produce the prosecutrix Smt. Savita alias Gulnaz before the Magistrate within three weeks from today. The Magistrate shall upon proper identification get her medically by the Chief Medical Officer, Meerut. Whereafter, he shall record her statement u/s

164 Cr.P.C. in the presence of the Investigating Officer and decide the question of her custody after affording opportunity of hearing to the opposite party No. 2. The entire exercise indicated herein above shall be completed by the Magistrate within a period of three weeks from the date of production of the prosecutrix Savita alias Gulnaz before him.

5. For a period of eight weeks, no coercive action shall be taken against the applicants in the aforesaid case. With the aforesaid observations, this application is finally disposed of.