

(2013) 03 AHC CK 0165
In the Allahabad High Court

Samina Khatoon @ Meena Arya and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 15-03-2013

Acts Referred:

Citation : (2013) 03 AHC CK 0165

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 S.U. Khan, learned counsel appearing on behalf of the complainant.

This petition has been filed by the petitioners with a prayer to quash the F.I.R. in case crime no.156 of 2013, under SECTION 363 I.P.C., P.S. Dhankata, District Sant Kabir Nagar.

From the perusal of the F.I.R. it appears that on the basis of the allegations made therein a prima facie cognizable offence is made out. There is no ground for interference. In the F.I.R. Therefore, the prayer for quashing the impugned F.I.R. is refused.

However, considering the submission made by the learned counsel for the petitioners that the alleged kidnapped girl Samina Khatoon @ Meena Arya is major and she has performed the marriage with petitioner no.2 Kuldeep Pal @ Kirpupal and she is living in his company as his house wife with her free will and consent, it is directed that if the alleged kidnapped girl Samina Khatoon @ Meena Arya, appears/ produced before the court of learned C.J.M. Sant Kabir Nagar 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 and officer in charge of the police station shall be summoned, she shall be produced before the C.M.O. concerned by the concerned

police officer for her medical examination thereafter she shall be produced before the C.J.M. 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 to it, it shall be open to the police authority concerned to arrest the petitioners, if she is found major and does not support the F.I.R. 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 petitioners.

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

It is further directed that in case the petitioner approach the S.P. Sant Kabir Nagar to provide them protection for the purpose of appearing before the court concerned to record the statement of the kidnapped girl Samina Khatoon @ Meena Arya, under section 164Cr.P.C., and for medical examination, the same shall be provided.

With the above direction this petition is finally disposed of.