

(2011) 11 UK CK 0101

In the Uttarakhand High Court

Case No : Criminal Writ Petition No. 1018 of 2011

Shanker alias Vishal

APPELLANT

Vs

State of Uttarakhand, and Others

RESPONDENT

Date of Decision : 22-11-2011

Acts Referred:

Constitution of India, 1950 — Article 226
Criminal Procedure Code, 1973 (CrPC) — Section 164
Penal Code, 1860 (IPC) — Section 363, 366A, 368

Citation : (2011) 11 UK CK 0101

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Hon"ble Prafulla C. Pant, J.—Heard.

2. By means of this writ petition, moved under Article 226 of Constitution of India, the petitioner has sought quashing the First Information Report dated 09.03.2011, relating to offences punishable u/s 363, 366A, 368 I.P.C., registered at Police Station- Kotwali City, District- Haridwar.

3. Admittedly, date of birth of the girl is 05.06.1994 (as mentioned in the High School Marksheet, issued by the Board of School Education, Uttarakhand) as such, she is 17 years old. Petitioner's case is that he got married to the girl in March, 2011 as the both were in love. It is pointed out on behalf of the petitioner that in her statement u/s 164 of Cr.P.C., the girl has verified the fact that she was in love with the petitioner and got married to him. She refused to live with her father, and sent to Nari Niketan.

4. However, considering the fact that the girl is minor, as per her High School Marksheet, this Court is not inclined to interfere with the investigation of the case. Therefore, the writ petition is summarily dismissed, with the observation that if the petitioner Shanker @ Vishal surrenders before the court concerned his

bail application shall be heard and disposed of without unreasonable delay, keeping in mind the statement of girl recorded u/s 164 of Cr.P.C. (Stay application No. 12156 of 2011, stands disposed of).