
(2014) 03 SC CK 0064

In the Supreme Court Of India

Case No : Criminal Appeal No. 558 of 2014

Shyam Veer Singh

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 06-03-2014

Acts Referred:

Penal Code, 1860 (IPC) — Section 363, 366, 376

Citation : (2014) 03 SC CK 0064

Hon'ble Judges : Sudhansu Jyoti Mukhopadhaya, J; Kurian Joseph, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

1. Leave granted.

This appeal has been preferred by the Appellant-Shyam Veer Singh against the order dated 5th February, 2013 passed by the High Court of Judicature at Allahabad in Habeas Corpus Writ Petition No. 42701 of 2012. By the impugned order, the High Court has rejected the petition for Habeas Corpus filed by Anita, wife of the Appellant and refused to quash the order dated 1st August, 2012 passed by the Court of A.C.J.M., Court No. 2, Badaun in Crime Case No. 163 of 2012 under Sections 363, 366, Indian Penal Code and also refused to release her on the ground that her school record shows that she is a minor and she cannot be given in custody of the Appellant-Shyam Veer Singh.

This Court by its order dated 17th February, 2014 directed the Appellant-Shyam Veer Singh to appear before this Court and has also directed the Superintendent, Nari Niketan, Bareilly to produce Anita, daughter of Respondent No. 5- Ahalkar, S/o. Kanhaujanlal, R/o Village Sesaya Gusain, P.S. Dataganj, Distt. Badaun, U.P. before this Court on the next date. Pursuant to such direction both of them are present.

2. We have heard the parties. From the age certificate issued by Chief Medical Officer, Budaun dated 28th July, 2012, we find that the girl-Anita was aged about

18 years as on 28th July, 2012. Now, she says she is aged about 20 years. Appellant- Shyam Veer Singh is about 22 years of age. Both of them state that they are married but as the complainant, father of the girl had not given any consent for marriage he filed an F.I.R. giving rise to Crime No. 163 of 2012 under Sections 363, 366, 376 of the Indian Penal Code.

3. Taking into consideration the fact that the girl-Anita was major at the time of marriage and is about 20 years old as on today and the boy is also a major, we are of the view that the criminal proceeding against the Appellant was not justified. The Court was not justified in sending the girl-Anita in Nari Niketan. For the reasons aforesaid, we quash the F.I.R. No. 71 of 2012 and the proceedings in Crime Case No. 163 of 2012 pending before the Court of A.C.J.M. Court No. 2, Badaun and release the girl-Anita forthwith. Appellant- Shyam Veer Singh may accompany the girl-Anita. The order passed by this Court be intimated to the Superintendent, Nari Niketan, Bareilly through the person who has produced the girl Anita, who will make necessary entry in their record.

The appeal is allowed with aforesaid observations.