

**Court No. - 44**

**Case :-** CRIMINAL MISC. WRIT PETITION No. - 3449 of 2024

**Petitioner :-** Madhu And Another

**Respondent :-** State Of Up And 2 Others

**Counsel for Petitioner :-** Kapil Kumar

**Counsel for Respondent :-** G.A.,Naushad Alam,Om Prakash

**Hon'ble Arvind Singh Sangwan,J.**

**Hon'ble Shiv Shanker Prasad,J.**

Heard learned counsel for the petitioners, Sri Om Prakash, learned counsel for the informant and learned A.G.A. for the State.

This writ petition has been filed by the petitioners for quashing of the F.I.R. dated 21.02.2024 registered as Case Crime No. 76 of 2024, under Sections 363, 366 I.P.C., Police Station Phase-2, District Gautam Buddha Nagar.

Learned counsel for the petitioners submits that though it is mentioned in the F.I.R. that the age of petitioner no.1 is 17 years and 6 months, however, as per the AADHAAR Card her date of birth is 04.05.2004. It is further submitted that petitioner no.1 has performed marriage with petitioner no.2 at Arya Samaj George Town, Prayagraj on 24.02.2024 and they are living together as husband and wife out of their own free-will.

Matter requires consideration.

Notice on behalf of opposite party no. 1 and 2 has been accepted by learned A.G.A.; whereas Sri Sri Om Prakash, Advocate has appeared for opposite party no.3.

All the respondents may file counter affidavit within six weeks. Rejoinder affidavit may also be filed within two weeks, thereafter.

This Court is surprised with such and similar type of marriage certificates issued by the various private institutions like Gurudwara or Temple. It is not clear whether at the time of marriage, the petitioners have given any disclosure before the concerned authority who has issued the marriage certificate that an F.I.R. has already been registered against petitioner no.2 on 21.02.2024. It is also not clear as to what type of documents are maintained by the concerned institution before registration of marriage.

List this case as fresh on 15.03.2024.

The signatory of the marriage certificate (Sr. No. 11/1549) dated 24.02.2024 (Annexure No.3 to the writ petition) issued on behalf of Arya Samaj, George Town, Prayagraj, U.P. is directed to remain present before this Court alongwith the documents regarding performance and registration of such marriages. The said signatory is also directed to file his personal affidavit explaining whether it was informed to them that an F.I.R. has already been registered prior to registration of marriage in the Temple.

The learned A.G.A. is directed to communicate this order to the Station House Officer, Police Station George Town, District Prayagraj, who shall ensure that the signatory of the marriage certificate (Sr. No. 11/1549) dated 24.02.2024 (Annexure No.3 to the writ petition) issued on behalf of Arya Samaj, George Town, Prayagraj, U.P. is appeared before this Court on the next date, henceforth.

**Order Date :- 7.3.2024**

Abhishek Singh