

ITEM NO.38

COURT NO.14

SECTION II

S U P R E M E      C O U R T   O F   I N D I A  
R E C O R D   O F   P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl) No(s).8465/2008

(From the judgement and order dated 05/08/2008 in WP No. 685(MB) of 2008 of The HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH AT LUCKNOW)

SUDHA &amp; ANR.

Petitioner(s)

VERSUS

STATE OF U.P. & ORS.  
(With appln(s) for stay)

Respondent(s)

Date: 22/10/2010      This Petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE MUKUNDAKAM SHARMA  
HON'BLE MR. JUSTICE ANIL R. DAVE

For Petitioner(s)      Mr.B.P.Singh Dhakray,Adv.  
                                 Mr.Shakti Singh Dhakray,Adv.  
                                 Mr.Digendra Sharma,Adv.  
                                 Mr. Dharam Bir Raj Vohra,Adv.

For Respondent(s)      Mr.Ratnakar Dash,Sr.Adv.  
                                 Ms.Vandana Mishra,Adv.  
                                 Mr.Manoj Kr.Dwivedi,Adv.  
                                 Mr. Gunnam Venkateswara Rao,Adv.

UPON hearing counsel the Court made the following  
O R D E R

Heard learned counsel appearing for the petitioner as also the senior counsel appearing for the State.

This petition is filed challenging the Impugned judgment

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and order dated 5.8.2008 passed by the Division Bench of the Allahabad High Court refusing to interfere in the writ petition filed by the petitioner herein before the High Court praying for quashing of the First Information Report initiated against the petitioners. The Division Bench held that the First Information Report disclosed commission of a cognizable offence committed by the petitioner and therefore no interference is called for under Article 226 of the Constitution.

Having heard learned counsel appearing for the petitioner as also the senior counsel appearing for the State and having considered the record, we are satisfied that the petitioners herein have entered into marriage with each other and are living as husband and wife for a very long time. The First Information Report was filed by the father of the petitioner no.1. The petitioner no.1 is a major and so also is the petitioner no. 2 and after marriage they are living as husband and wife. In that view of the matter, we allow this petition and quash the First

Information Report.

In view of the facts and circumstances of the present case, the Special Leave Petition is allowed and disposed of in terms of the aforesaid order.

(KUSUM SYAL)  
SR.P.A.

(RENU DIWAN)  
COURT MASTER