

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 13954 of 2023

Petitioner :- Munna

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Ansar Ahmad

Counsel for Respondent :- G.A., Vipin Kumar Yadav

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

1. Heard Sri Ansar Ahmad, learned counsel for the petitioner, Shri Rajesh Khare, learned AGA for the State respondents.
2. The relief sought in this petition is for quashing of the F.I.R. dated 01.08.2023, registered as Case Crime No. 228 of 2023, under Sections 363, 366 IPC, Police Station Friends Colony, District Etawah. Further prayer has been made not to arrest the petitioner in the aforesaid case.
3. Submission of the learned counsel for the petitioner is that the petitioner is real brother of the accused-Sikandar and is living separately for the last 7 years and he has been falsely implicated in the present case.
4. Per contra, learned AGA opposed the petition and on instructions submits that the victim is a minor girl aged about 14 years, and during investigation section 376(2) (i), 323, 342, 368 IPC and Section 5/6/16/17 POCSO Act has been added, therefore, a cognizable offence is made out.
5. Perusal of the impugned first information report prima facie reveals commission of cognizable offence. Therefore, in view of the law laid down by Hon'ble Supreme Court in the case of ***State of Haryana and others vs. Bhajan Lal and others, 1992 Supp. (1) SCC 335*** and ***M/s Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra, AIR 2021 SC 1918*** and in ***Special Leave to Appeal (Crl.) No.3262/2021 (Leelavati Devi @ Leelawati & another vs. the State of Uttar Pradesh)*** decided on 07.10.2021, no case has been made out for interference with the impugned first information report.

6. The writ petition is devoid of merit and is accordingly dismissed.

Order Date :- 2.11.2023

Nitendra