

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 14351 of 2023

Petitioner :- Smt. Humaira And 3 Others

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

Counsel for Petitioner :- Sameer Khan

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard Sri R.K. Verma, holding brief of Sri Sameer Khan, learned counsel for the petitioners and learned A.G.A for the State respondents.

2. The relief sought in this petition is for quashing of the F.I.R. dated 5.8.2023, registered as Case Crime No. 151 of 2023, under Sections 354 (Kha) IPC and Section 3 and 5(1) of Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021, Police Station Nagfani, District Moradabad. Further prayer has been made not to arrest the petitioner in the aforesaid case.

3. Submission of the learned counsel for the petitioners is that the petitioners have been falsely implicated and no offence is made out against the petitioners. It is next submitted that present criminal prosecution has been lodged on false and fabricated grounds. It is further submitted that the conduct of the family of the complainant is criminal in nature and they entered into compromise after making complaint and entire prosecution is to somehow extract the money.

4. Learned AGA opposed the prayer for quashing of the FIR, which discloses cognizable offence. He further submits that the statement of the victim/informant recorded under Section 164 CrPC also supports the prosecution story.

5. Perusal of the impugned first information report prima facie reveals commission of cognizable offence.

6. 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.

7. Therefore, the writ petition is dismissed.

Order Date :- 1.11.2023

Abhishek