

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 15602 of 2023

Petitioner :- Nadeem And Another

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Nirbhay Singh

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard Shri Nirbhav Singh, learned counsel for the petitioners and Shri G.P. Singh, learned A.G.A for the State respondents.

2. The relief sought in this petition is for quashing of the F.I.R. dated 10.08.2023, registered as Case Crime No. 0231 of 2023, under Sections 363, 366 IPC, Police Station Patiyali, District Kasganj. Further prayer has been made not to arrest the petitioner in the aforesaid case.

3. Submission of learned counsel for the petitioners is that petitioners have been falsely implicated in the present case, the victim was never enticed away by the petitioners, the informant and the entire family members of the petitioners are resident of same village and due to political rivalry they have been implicated.

4. Per contra, learned AGA pointed out that age of the victim is 14 years and she is still missing, as such, cognizable offence has been made out.

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. The present petition is dismissed.

Order Date :- 19.10.2023

Ujjawal