

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 16120 of 2023

Petitioner :- Danish

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

Counsel for Petitioner :- T. Islam

Counsel for Respondent :- G.A.,Gyan Prakash Mishra

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard Shri T. Islam, learned counsel for the petitioner 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 23.09.2023, registered as Case Crime No. 0382 of 2023, under Sections 363 and 120B IPC, Police Station Gulauthi, District Bulandshahar. Further prayer has been made not to arrest the petitioner in the aforesaid case.

3. Submission of learned counsel for the petitioner is that petitioner is maternal uncle of Rehan against whom allegation is that he has taken away the minor daughter of the informant. It was submitted that father of Rehan had already lodged an FIR on 14.09.2023, under Section 363 IPC against unknown persons that his son Rehan is missing who was living in a hostel.

4. On query it is pointed out that minor girl is still missing. Learned counsel for the petitioner submits that Rehan is also missing.

5. Learned AGA opposed the prayer for quashing of the FIR, and submits that minor girl is still missing as such cognizable offence has been made out.

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

7. 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.

8. The present petition is dismissed.

Order Date :- 19.10.2023

Ujjawal