

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 16341 of 2023

Petitioner :- Sandeep Paswan

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Raj Kiran Chaudhary

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Vivek Kumar Singh,J.

Vakalatnama filed by Shri Jitendra Singh and Shri Sunil Kumar Pandey, Advocate on behalf of the informant, in the Court today, is taken on record.

Heard learned counsel for the petitioner, learned counsel for the informant, learned A.G.A. for the State and perused the record.

The instant writ petition seeks quashing of the FIR dated 12.09.2023 giving rise to Case Crime No.320 of 2023, under Sections 363, 366, 376 DA I.P.C. and section 5/6 POCSO Act, Police Station- Shohratgadh, District- Siddharth Nagar.

The only contention of learned counsel for the petitioner is that several sections have been added on the basis of the statement of the victim recorded under section 164 Cr.P.C.

The same does not improve the situation, since the allegation in the F.I.R. contains the ingredients of the cognizable offence.

Upon hearing learned counsel for the parties and upon a perusal of the record, we find that the submissions made on behalf of the petitioner are his defence, which cannot be looked into while dealing with a writ petition seeking quashing of a first information report.

Moreover, the allegations made in the First Information Report clearly disclose commission of cognizable offences and the allegations are serious in nature. Therefore, prayer of the petitioner to quash the First Information Report is completely misconceived and is rejected.

The writ petition is therefore dismissed, without prejudice to the right of the petitioners to apply for bail/anticipatory bail.

Order Date :- 17.10.2023 /Bhanu