

Court No. - 67

Case :- CRIMINAL MISC. WRIT PETITION No. - 16665 of 2023

Petitioner :- Vikas @ Bharat

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

Counsel for Petitioner :- Ashutosh Gupta,Vandana Gupta

Counsel for Respondent :- G.A.

Hon'ble Rahul Chaturvedi,J.

Hon'ble Mohd. Azhar Husain Idrisi,J.

Heard Sri Ashutosh Gupta, learned counsel for the petitioner and learned A.G.A. for the State.

The instant writ petition is being filed by the petitioners seeking the quashing of FIR dated 30.08.2023 registered as case crime no. 894 of 2023, under sections 376, 506 IPC, Police Station-Highway, District-Mathura.

Learned counsel for the petitioner submits that a belated F.I.R. has been lodged against the petitioner.

We have perused the F.I.R. and heinous allegation has been levelled against the petitioner that he has sexually assaulted upon the informant/victim at Mayur Resort OYO Hotel, Lajpat Nagar on 23.06.2023 on the false pretext of marriage. The allegation is that petitioner has committed rape upon her after administering intoxicating substance to her. The forged and frivolous promise of marriage has been extended by the petitioner and he has committed rape upon her.

All these aspect of the issues on the disputed questions of fact which warrants, thorough and professional, in depth probe by the police, after having custodial interrogation of the petitioner. We cannot gag the neck of interrogation of such a serious offence at this nascent stage

We do not find any reason to quash the F.I.R. The writ petition is accordingly, dismissed.

It is expected from the police concerned to adhere the procedure of law in conducting the investigation and report under Section 173(2) Cr.P.C. shall be submitted on or before 31st December, 2023.

Order Date :- 26.10.2023

Rmk.