

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 16765 of 2023

Petitioner :- Shahbaz

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

Counsel for Petitioner :- Asad Ahmad

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Mohd. Azhar Husain Idrisi,J.

1. Heard learned counsel for the petitioner and learned A.G.A. for the State for the State.

2. The instant writ petition seeks quashing of the FIR dated 22.09.2023 giving rise to Case Crime No.0619 of 2023, under Sections 354, 376, 506 I.P.C., Police Station- Izzat Nagar, District- Bareilly.

3. The contention of learned counsel for the petitioner is that earlier in time, an FIR has been lodged against the brother of the petitioner under Section 366 IPC. The Additional Chief Judicial Magistrate, Court No.1, Pilibhit, vide order dated 13.07.2023, finding the victim to be major, opined that she was free to go wherever she chooses. Consequent to the order, the victim accompanied the brother of the petitioner. Subsequently her family members took her home and thereafter the FIR has been lodged against the petitioner.

4. The submissions being made by learned counsel for the petitioner at bar are the defence of the petitioner. The allegations in the FIR clearly contain the ingredients of a cognizable offence. Such an FIR in our considered opinion, is not liable to be quashed.

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

Order Date :- 27.10.2023

Mayank