

**Court No. - 45**

**Case :-** CRIMINAL MISC. WRIT PETITION No. - 17862 of 2023

**Petitioner :-** Kamlesh Verma

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

**Counsel for Petitioner :-** Alok Kumar Mishra, Ajai Kumar Pandey, Shyam Singh Somvanshi

**Counsel for Respondent :-** G.A.

**Hon'ble Vivek Kumar Birla, J.**

**Hon'ble Anish Kumar Gupta, J.**

1. Heard Sri Shyam Singh Somvanshi, learned counsel for the petitioner and Sri R.K. Madheshiya, learned State Law Officer for the State respondents.

2. The present writ petition has been preferred with the prayer to quash the impugned First Information Report dated 05.09.2020 registered as Case Crime No.0920 of 2020, under Section 354 (ka) IPC and Section 7/8 POCSO Act, 2012, Police Station Naini, District Prayagraj and for a direction to the police not to arrest the petitioner in pursuance of impugned First Information Report.

3. Sri R.K. Madheshiya, learned State Law Officer submits that in the present case charge sheet has already been submitted against co-accused, Malti Devi, under Sections 504, 506 I.P.C. and the present petitioner against whom the main allegation has been leveled, is absconding and non-bailable warrant has already been issued against him. It is further submitted that the victim is a minor girl.

4. On perusal of records, we find that non-cognizable offence has made out against the petitioner and in these facts and circumstances of the case, the FIR cannot be quashed in part.

5. In view of the above, the instant writ petition is **dismissed**.

**Order Date :-** 17.11.2023

Atul