

Court No. - 46

Case :- CRIMINAL MISC. WRIT PETITION No. - 17897 of 2023

Petitioner :- Ramashrya

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

Counsel for Petitioner :- Jitendra Kumar Chakraborty

Counsel for Respondent :- G.A., Ashok Kumar Singh
Yadav, Virendra Singh Rajbhar

Hon'ble Ashwani Kumar Mishra, J.

Hon'ble Syed Aftab Husain Rizvi, J.

This writ petition has been filed with the prayer to quash the First Information Report registered as Case Crime No. 354 of 2023, under Sections 376, 504, 506 IPC, Police Station Ubhaon, District Ballia.

Contention is that the FIR contains false and malicious allegations only because the petitioner has instituted a civil litigation against informant and her family members. It is also pointed out that there are other litigation also pending between the parties.

Be that as it may, we have perused the First Information Report, which prima facie discloses commissioning of cognizable offence of sexual assault upon the victim and, therefore the prayer made to quash the F.I.R. otherwise cannot be entertained. Whether these allegations are correct or not would be an aspect open for examination at the stage of investigation. We would not be inclined to interfere with the ongoing investigation, at the threshold, only because civil dispute is pending between the parties.

Writ petition is, accordingly, dismissed. However, dismissal of this petition will not preclude the petitioner from seeking appropriate remedy under the Criminal Procedure Code.

Order Date :- 2.12.2023

Ashok Kr.