

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 17945 of 2023

Petitioner :- Smt. Jyoti And 3 Others

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

Counsel for Petitioner :- Akhilesh Kumar Ojha

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Arun Kumar Singh Deshwal,J.

1. Heard learned counsel for the petitioners and learned A.G.A. for the State.
2. The instant writ petition seeks quashing of the FIR dated 14.12.2022 giving rise to Case Crime No.0177 of 2022, under Sections 363, 366 I.P.C., Police Station- Basai, District-Mohammadpur.
3. It is not in dispute that on the date of lodging of the FIR, the victim was minor.
4. 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.
5. 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.
6. The writ petition is therefore dismissed, without prejudice to the right of the petitioner to apply for bail/anticipatory bail.

Order Date :- 20.11.2023

Aditya Tripathi