

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 18328 of 2023

Petitioner :- Raj Kumar

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

Counsel for Petitioner :- Awadhesh Prasad

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Arun Kumar Singh Deshwal,J.

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

2. The instant writ petition seeks quashing of the FIR dated 20.07.2022 giving rise to Case Crime No.0215 of 2022, under Sections 363, 366 I.P.C., Police Station- Gursarai, District-Jhansi.

3. It is not in dispute that the victim is minor on the alleged date of incident.

4. Reliance has been placed on para 9 of the writ petition which reads as follows:

" That the alleged victim informed to the petitioner about the incident taken place with here that her father want to marry with some person, who is more aged than me and she wants to marry with you and if you will not ready for living with me, then I will commit suicide, then the petitioner had no option except to accept the proposal of alleged victim and then the alleged victim left her house with her own free will on 19.07.2022 and went with the petitioner and they were living in a safe place saving themselves from the police and parents of alleged victim."

5. It is still irrelevant for the purposes of the writ petition.

6. 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.

7. 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.

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

Order Date :- 24.11.2023
Aditya Tripathi