

Court No. - 46

Case :- CRIMINAL MISC. WRIT PETITION No. - 18534 of 2023

Petitioner :- Ajeet Kumar And Another

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

Counsel for Petitioner :- Sumit Pandey

Counsel for Respondent :- G.A.

Hon'ble Ashwani Kumar Mishra,J.

Hon'ble Syed Aftab Husain Rizvi,J.

The prayer made in writ petition to quash the F.I.R. in Case Crime No.0789 of 2023 under Sections 376, 120-B, 354 and 504 I.P.C., Police Station Atrauli, District Aligarh.

Allegation is that informant has been subjected to sexual assault on account of which she has become pregnant.

Learned counsel for the petitioners states that the petitioner no.1 is jeth while second petitioner is the mother-in-law of the informant. It is further stated that there is matrimonial dispute between the petitioner no.1 and his wife and the F.I.R. has been purposely lodged with ulterior motive.

Learned A.G.A. as well as Sri Saif Ali, learned counsel for the respondent no.4 oppose the prayer made in the writ petition.

We have perused the F.I.R. which contains allegations with regard to sexual assault by petitioner no.1. It is also alleged that mother-in-law also supported her son when the grievance was raised in that regard. The delay of 55 days in lodging the F.I.R. would not be conclusive inasmuch as delay in lodging of the F.I.R. cannot be made basis for quashing of F.I.R. in sexual offences.

Since prima facie allegations of commissioning of cognizable offence are clearly disclosed in the F.I.R., we decline the prayer made to quash the F.I.R.

Writ petition is dismissed, accordingly. However, dismissal of the writ petition would not preclude the petitioners from pursuing

appropriate remedy available to them, which shall be dealt with on its own merit in accordance with law.

Order Date :- 5.12.2023

MN/-