

Court No. - 46

Case :- CRIMINAL MISC. WRIT PETITION No. - 18699 of 2023

Petitioner :- Mohammdeen And 2 Others

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

Counsel for Petitioner :- Vijay Pratap Yadav

Counsel for Respondent :- G.A.

Hon'ble Ashwani Kumar Mishra,J.

Hon'ble Syed Aftab Husain Rizvi,J.

Heard learned counsel for the petitioner and learned AGA for the State.

This writ petition has been filed with the prayer to quash the First Information Report, registered as Case Crime No. 451 of 2023, under Sections 323, 504, 506, 354(Gha), 376, 498-A IPC & Section 3/4 Dowry Prohibition Act, Police Station Ghosi, District Mau.

Since there are specific allegations with regard to commissioning of cognizable offence, as it is alleged that a naked video of the victim has been prepared and she has been pressurized to enter into physical relations and there are also allegations of assaulting the victim, we find that prima facie allegations with regard to commissioning of cognizable offence are disclosed, and therefore the First Information Report cannot be quashed. Prayer made in that regard is, therefore, declined, in view of the law laid down by the Supreme Court in the case of State of Telangana Vs. Habib Abdullah Jellani, (2017) 2 SCC 779, as also in the case of Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra and Others, (2021) SCC Online SC 315.

Writ petition, accordingly, is dismissed.

Order Date :- 7.12.2023

Anil