

Court No. - 46

Case :- CRIMINAL MISC. WRIT PETITION No. - 19035 of 2023

Petitioner :- Matloob Khan

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

Counsel for Petitioner :- Vikas Srivastava, Ashok Kumar Yadav, Sachchida Nand Ojha

Counsel for Respondent :- G.A.

Hon'ble Ashwani Kumar Mishra, J.

Hon'ble Syed Aftab Husain Rizvi, J.

Since prima-facie allegation with regard to commissioning of offence under Section 376 I.P.C. and other serious offences are alleged in Case Crime No.13 of 2023 under Sections 147, 354(Kha), 452, 323, 504 and 506 I.P.C. along with added Section 376 I.P.C., P.S.- Nawabganj, District- Prayagraj, as such we will not be justified in interfering with the F.I.R., only on the ground that there are civil disputes pending between the parties and proceedings under Section 145 Cr.P.C. were concluded against the informant. All such issues can be examined at the stage of investigation. We will not be justified in inferring facts in favour of the petitioner, particularly when facts require determination at the stage of investigation.

The scope of proceedings under Article 226 of the Constitution is limited and once it is found that prima-facie allegation with regard to commissioning of cognizable offence is disclosed neither the defence of the petitioner would be considered at this stage nor even the correctness or otherwise of the F.I.R. allegations.

The writ petition is consequently **dismissed**.

Order Date :- 7.12.2023

SP/-