

**Court No. - 10**

**Case :-** CRIMINAL MISC. WRIT PETITION No. - 3575 of 2022

**Petitioner :-** Mayaram

**Respondent :-** State Of U.P. Thru. Prin. Secy. Home, Lko. And Others

**Counsel for Petitioner :-** Amit Kumar Srivastava,Indrajeet

**Counsel for Respondent :-** G.A.

**Hon'ble Mrs. Sangeeta Chandra,J.**

**Hon'ble Narendra Kumar Johari,J.**

This writ petition has been filed by the petitioner praying for the following reliefs:-

"(i) a suitable writ, order or direction in the nature of Certiorari quashing the impugned FIR dated 24.05.2022 being Case Crime No.314 of 2022, under Sections 376, 504 and 506 of I.P.C. lodged at Police Station Ram Nagar, Barabanki, contained as Annexure No.1.

(b) a suitable writ, or direction in the nature of mandamus commanding the opposite party Nos. 1 & 2 not to proceed, prosecute or arrest the petitioner on the basis of FIR dated 24.05.2022."

Learned A.G.A. has filed short counter affidavit before the Court, which is taken on record.

On the basis of the short counter affidavit, learned A.G.A. submitted that charge sheet has been prepared on 16.8.2022 in the matter, therefore, this writ petition may be dismissed as having become infructuous.

Since the Charge-sheet has been prepared by the Investigating Officer, it is presumed that sufficient evidence has been collected and filed with the Charge-sheet before the Trial Court for its evaluation, therefore, this Court feels it to be inappropriate to interfere at this stage.

The writ petition is **dismissed with liberty to the petitioner to approach the Competent Court** for raising their challenge to the Charge-sheet.

**Order Date :-** 6.12.2023

Anuj Singh