

Court No. - 9

Case :- CRIMINAL MISC. WRIT PETITION No. - 4438 of 2023

Petitioner :- Deepak Kumar Thru. Mother Mamta Devi

Respondent :- State Of U.P. Thru. Prin. Secy. Home Deptt. Civil Sectt. Lko. And Others

Counsel for Petitioner :- Rajan Mishra, Pratyush Rawat, Soumya Dixit

Counsel for Respondent :- G.A.

Hon'ble Shamim Ahmed, J.

Hon'ble Umesh Chandra Sharma, J.

1. Heard Shri Pratyush Rawat, the learned counsel for the petitioner and Shri Badrul Hasan, the learned A.G.A-I for the State.

2. The present writ petition has been filed with the following prayer:

"(i) issue, a writ order or direction in the nature of Mandamus thereby commanding and directing the opposite party no. 4 and 5 not to harass the petitioner and to not force the minor petitioner to marry opposite party no. 4, and not to create any hindrance in peaceful living of the petitioner.

(ii) issue, a writ in the nature of Mandamus thereby commanding and directing the opposite party no. 2 and 3 to provide protection for life of the petitioner.

(iii) issue any other writ, order or direction which this Hon'ble Court may deem just and proper in the circumstances of the case.

(iv) allow the writ petition with costs in favour of petitioner."

3. Learned counsel for the petitioner submits that respondent No. 4 is pressurizing the petitioner to marry with her, while the petitioner is a minor and unmarried boy, hence he is not interested to marry with her. In this regard, the petitioner has already moved applications before the Station House Officer of Police Station Fatehpur, District Barabanki, the Superintendent of Police, Barabanki and also before the U.P. State Child Protection Commission on 06.04.2023, but till date no action has been taken thereon.

4. Shri Badrul Hasan, the learned A.G.A.-I for the State submits that this writ petition is not maintainable as if the F.I.R. is not being lodged by the concerned authorities then the petitioner has remedy to approach before the competent court under Section 156(3) Cr.P.C. for lodging of the F.I.R.

5. Having considered the rival submissions as advanced by the learned counsel for the parties and gone through the averments made in the writ petition, we are of the view that the relief claimed in the writ petition cannot be granted as the petitioner has already approached before the authorities concerned for lodging of the F.I.R. and if the same is not being lodged then the petitioner has alternative remedy to approach the court concerned under Section 156(3) Cr.P.C.

6. With the aforesaid observation/ direction, the present writ petition is finally **disposed of**.

Order Date :- 8.6.2023

Mustaqeem