Court No. - 9
Case :- CRIMINAL MISC. WRIT PETITION No. - 4457 of 2023
Petitioner :- Prateek Saroj (In Fir Shanu)
Respondent :- State Of U.P. Thru. Prin. Secy. Home Deptt. Civil Sectt. Lko. And Others
Counsel for Petitioner :- Rajnish Kumar Singh,Shashank Vikram Shah
Counsel for Respondent :- G.A.

Hon'ble Shamim Ahmed,J.
Hon'ble Umesh Chandra Sharma,J.

1. Heard Shri Rajnish Kumar Singh, the learned counsel for the petitioner and Shri Badrul Hasan, the learned A.G.A.-I for the State respondents.

2. The petitioner in the present writ petition is seeking quashing of the First Information Report dated 18.03.2023 registered as F.I.R. No. 75 of 2023, under Sections 147, 148, 149, 307, 308, 354-Kha, 323, 504, 506 I.P.C. and Section 9U/10 of Protection of Children From Sexual Offences Act, registered at Police Station Leelapur, District Pratapgarh with all its consequential effects and with a further prayer, not to arrest the petitioner in pursuance of the said First Information Report.

3. The contention of the learned counsel for the petitioner is that no offence against the petitioner is disclosed and the present prosecution has been instituted with a malafide intention for the purposes of harassment.

4. Per contra, the learned A.G.A.-I has contended that from the allegations made in the FIR prima facie offence is made out against the petitioner. The innocence of the petitioner cannot be adjudged at the pre trial stage. Therefore, the petitioner does not deserve any indulgence.

5. Perusal of the impugned first information report prima facie reveals commission of cognizable offence. Therefore, in view of the law laid down by Hon'ble Supreme Court in the case of **State of Haryana and others vs. Bhajan Lal and others, 1992 Supp. (1) SCC 335** and **M/s Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra, AIR 2021 SC 1918**, no case has been made out for interference with the impugned first information report.

6. Having gone through the allegations made in the F.I.R. this Court is of the view that the allegations in the F.I.R. do disclose commission of cognizable offence and/ therefore no ground is made out warranting interference by this Court. Thus, the

prayer for quashing of F.I.R. is refused.

7. However, the petitioner is directed to appear and surrender before the court below and apply for bail within four weeks from today, and his prayer for bail shall be considered expeditiously by the court below in accordance with law after hearing the Public Prosecutor.

8. With the aforesaid observations, this application stands **disposed of**.

Order Date :- 9.6.2023
Mustaqeem

Digitally signed by :-
MOHD MUSTAQEEM KHAN
High Court of Judicature at Allahabad,
Lucknow Bench