

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 7599 of 2023

Petitioner :- Raj Kumar Verma

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

Counsel for Petitioner :- Vimal Kishor Singh, Amit Chaudhary, Dileep Singh, Utkarsh

Counsel for Respondent :- G.A., Adarsh Kumar Tripathi, Gyanendra Pathak

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Karunesh Singh Pawar, J.

1. Heard learned counsel for the petitioner and learned A.G.A. for the State-respondents.

2. This petition has been filed with the following main prayer:-

"(i) Issue a writ order or direction in the nature of CERTIORARI to quash the impugned F.I.R. dated 20.09.2023 lodged by the opposite party no.4 registered as Case Crime No. - 506/2023, under sections 506, 354 I.P.C. & 9m/10 of The Protection of Children From Sexual Offences Act-2012, at Police Station - Payagpur, District -Bahraich, as contained in Annexure No.1 to this writ petition

(ii) Issue a writ order or direction in the nature of MANDAMUS directing the opposite parties, not to arrest the petitioner in pursuance of the impugned First Information Report dated 20.09.2023, as contained in Annexure No.-1 to this writ petition."

3. This Court had earlier granted time to learned A.G.A. to seek instructions.

4. Learned A.G.A. has produced before this Court instructions sent by Chandrashekhar Prajapati, Sub Inspector, Police Station Payagpur, District Bahraich wherein it has been stated that after recording statement under Sections 161 & 164 Cr.P.C. of the victim and after examining her educational documents Section 376A/B IPC and Section 5FM/6 of the POCSO Act has been increased and Section 354 of IPC and Section 9M/10 of the POCSO Act has been deleted.

5. It has also been submitted that accused has been absconding and efforts are to apprehend them.

6. This Court having gone through the instructions finds that no good ground to show interference as prayed for is made out therefore, the petition is dismissed.

Order Date :- 17.10.2023

Saurabh Yadav/-