

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 7867 of 2023

Petitioner :- Anoop Singh

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

Counsel for Petitioner :- Ranjeet Pratap Singh, Neeraj Mani Tripathi

Counsel for Respondent :- G.A., Ajeet Kumar

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

(1) Heard the learned counsel for the petitioner and the learned A.G.A. who appears for the Opposite party nos.1, 2 & 3 and Shri Ajeet Kumar, Advocate, who has filed his Caveat on behalf of the Opposite party no.4.

(2) This petition has been filed by the petitioner for the following main prayer:-

"1) To issue a writ, order or direction in the nature of Certiorari quashing the impugned First Information Report dated 09.09.2023 registered as F.I.R./ Case Crime No.555 of 2023, under Sections 376, 452, 323, 504, 506 I.P.C., at Police Station Fatehpur, District Barabanki, as contained in Annexure No.1 to this writ petition."

(3) It has been submitted by the learned counsel for the petitioner that the petitioner and the Opposite party no.4 were in a long standing relationship since 2022 and they also performed marriage in a Temple but this fact was concealed by the Opposite party no.4 from her family members. The petitioner has two Mobile numbers and the complainant has also two Mobile numbers and there were regular conversation between the petitioner and the complainant. The sexual relationship was consensual in nature and trouble started only when the complainant came into relationship with some other person and her family members have also fixed her marriage with some other person under the pressure of her family members the impugned F.I.R. has been lodged.

(4) Learned A.G.A. has produced a copy of the statement of the complainant recorded under Section 164 of the

Cr.P.C. wherein she has supported the prosecution case and has made specific allegation giving Whatsapp details. In the said statement, a mention has been made that the petitioner was blackmailing the complainant.

(5) Learned counsel appearing for the Opposite party no.4 has produced before this Court a copy of Whatsapp conversation between the petitioner and the Opposite party no.4 wherein the petitioner had demanded Rs.20,000/- to be given to him in lieu of him keeping quiet.

(6) This Court sitting in extraordinary writ jurisdiction, cannot quash the F.I.R. duly supported by the statement of the complainant under Section 164 Cr.P.C. only on the allegation of the petitioner that the relationship was consensual in nature. The said evidence is to be evaluated by the Trial Court. Hence, the F.I.R. discloses commission of cognizable offence against the petitioner, no interference is required in the matter.

(7) The writ petition stands ***dismissed***.

Order Date :- 11.10.2023

N.PAL