

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 7829 of 2023

Petitioner :- Amrit Lal (In F.I.R. Amrit) And Another

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

Counsel for Petitioner :- Ashish Kumar Dubey

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

(1) Heard the learned counsel for the petitioners and the learned A.G.A. who appears for the Opposite party nos.1, 2 & 3.

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

"1) a writ or writs in the nature of Certiorari quashing the impugned First Information Report dated 21.08.2023, lodged by Opposite party no.4 vide F.I.R. / Case Crime No.0354 of 2023, under Sections 363, 366, 376 (3), 328, 313, 452, 323, 504, 506 I.P.C. and Section 5j(ii)/6/51 Protection of Children From Sexual Offences Act and Section 3 (2) (v) of S.C./S.T. Act, at Police Station Risiya, District Bahraich, contained as Annexure No.1 to the writ petition."

(3) It has been submitted by the learned counsel for the petitioners that the Petitioner no.1- Amrit Lal, got married to the Opposite party no.4 and thereafter filed a Writ Petition namely Criminal Misc Writ Petition No.1475 of 2023 [**Smt. Sunita and Another V. State of U.P. and others**] praying for a mandamus to be issued to the respondents that they shall not be harassed after their marriage and to allow them to live their married life peacefully.

(4) This Court disposed of the writ petition on 22.02.2023 with the observation that if both the petitioners have married each other on 12.01.2023 after attaining the age of majority and are living together and they are not wanted in any criminal case then the police shall not unnecessarily interfere the petitioners' married life.

(5) However, the Opposite party no.4 under the influence of her parents has lodged the impugned F.I.R. saying that she was only 15 years of age. She was born on 13.04.2005 and a student of Class IX. The petitioner no.1 Amrit Lal, on the basis of false promise of marriage, alongwith his brother have repeatedly raped her.

(6) It has been submitted that such story is unbelievable.

(7) This Court has gone through the F.I.R. and finds specific allegation made therein against the petitioners. This Court at the initial stage, cannot interfere in the matter.

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

(9) It is for the Trial Court to evaluate the evidence and then come to its own conclusion.

Order Date :- 10.10.2023

N.PAL