

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 7876 of 2023

Petitioner :- Banne Khan Alias Banne

Respondent :- State Of U.P. Thru. Addl.Chief Secy. Deptt. Of Home And Others

Counsel for Petitioner :- Arun Kumar Tewari,Dharmendra Kumar Pandey

Counsel for Respondent :- G.A.

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.

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

"1) Issue writ, order or direction in the nature of Certiorari for quashing the impugned First Information Report dated 08.08.2023 lodged by the Opposite party no.4, vide F.I.R./Case Crime No.313 of 2023, relating to under Section 376-D I.P.C. at Police Station Visheshwarganj, District Bahraich, in respect of petitioner, contained as Annexure No.1, in the interest of justice."

(3) It has been submitted by the learned counsel for the petitioner that initially an F.I.R. was lodged only under Sections 354, 323, 504, 506 I.P.C. by the Opposite party no.4. The Opposite party no.4, however, gave statement under Section 164 of the Cr.P.C. to the Court concerned making allegation of rape also.

(4) It has been submitted on the basis of Medical Examination Report of the prosecutrix that the Medical opinion does not support the statement made by the prosecutrix.

(5) This Court having gone through the Medical Report and also the statement of the prosecutrix under Section 164 Cr.P.C., finds prima facie cognizable offence to be made out against the petitioner, hence, no interference is required in the matter.

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

Order Date :- 11.10.2023

N.PAL