

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 7901 of 2023

Petitioner :- Kakao @ Kalao Ansari (Present Gram Pradhan) And Another

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

Counsel for Petitioner :- Ram Pheran Dwivedi, Subhash Kumar Verma

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.
Hon'ble Narendra Kumar Johari, J.

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

This petition has been filed praying the following reliefs:-

(a) Issue a writ, order or direction in the nature of certiorari thereby quashing the impugned first information report dated 17.1.2023 vide case crime no. 0009 of 2023 under Section 279, 452, 323, 504, 506, 427, 354, 392 I.P.C. and Section 3 (1) (Da) and 3(1) (Dha) of the S.C./S.T. Act converted under Section 279, 452, 323, 504, 506, 427, 376-D, 392 I.P.C. and Section 3(1) (V) of the S.C./S.T. Act , lodged at Police Station- Baundi District- Bahraich as contained in Annexure-1 to this writ petition.

(b) Issue a writ, order or direction in the nature of mandamus commanding the opposite party not to harass, detain or prosecute the petitioner in impugned first information report dated 17.1.2023 vide case crime no. 0009 of 2023 under Section 279, 452, 323, 504, 506, 427, 354, 392 I.P.C. and Section 3 (1) (Da) and 3(1) (Dha) of the S.C./S.T. Act converted under Section 279, 452, 323, 504, 506, 427, 376-D, 392 I.P.C. and Section 3(1) (V) of the S.C./S.T. Act , lodged at Police Station- Baundi District- Bahraich as contained in Annexure-1 to this writ petition.

It has been submitted by the learned counsel for the petitioners that the petitioners have been falsely implicated in the the present F.I.R. They have no concern with incident in question.

The Court has perused the impugned F.I.R. and also the

statement of the victim recorded under Section 164 Cr.P.C. by the Magistrate concerned. From the same it is evident that there is allegations of rape having been committed by the accused.

This Court, therefore, finds no ground to show interference at the initial stage.

The writ petition is, accordingly, **dismissed**.

Order Date :- 11.10.2023

Anuj Singh