

**Court No. - 10**

**Case :-** CRIMINAL MISC. WRIT PETITION No. - 7933 of 2023

**Petitioner :-** Guru Prasad And Another

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

**Counsel for Petitioner :-** Mohd. Salman, Mukhtar Ahamad

**Counsel for Respondent :-** G.A.

**Hon'ble Mrs. Sangeeta Chandra, J.**

**Hon'ble Karunesh Singh Pawar, J.**

1. Heard the learned counsel for the petitioners and the learned A.G.A. who appears for the State-respondents.

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

"ISSUE a writ, order or direction in the nature of Certiorari to quash the impugned First Information Report dated 02.10.2023 at 17:50, lodged by the Opposite party no. 4 at Police Station Ajgain, District Unnao, registered at Case Crime no. 0265/2023, Under Section 323/354/504/506 I.P.C and 7/8 Protection of Children From Sexual Offences Act, contained in ANNEXURE No. 1 during the pendency of this writ petition.

(ii) ISSUE a writ, order or direction in the nature of Mandamus commanding and directing the opposite party no. 3 not to arrest the petitioners in connection with First Information Report dated 02.10.2023 at 17:50, lodged by the Opposite party no. 4 at Police Station Ajgain, District Unnao, registered at Case Crime no. 0265/2023, Under Section 323/354/504/506 LPC and 7/8 Protection of Children From Sexual Offences Act, contained in

ANNEXURE No. 1 during the pendency of this writ petition."

3. It has been submitted by learned counsel for the petitioners that all the offences invoked against the petitioners carry a punishment up to seven years, therefore, he is entitled for the benefit of judgement rendered by Hon'ble Supreme Court in the case of Arnesh Kumar Vs. State of Bihar, reported in (2014) 8 SCC 273.

4. This Court has gone through the First Information Report and finds that there is an allegations of molesting and abusing the 13 years old girl, therefore, no ground to show interference is made out.

5. The writ petition is, accordingly, dismissed.

**Order Date :-** 12.10.2023

Madhu