

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 7987 of 2023

Petitioner :- Narendra Kumar Yadav Alias Kapil Yadav

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

Counsel for Petitioner :- Dhananjai Kumar Tripathi

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Karunesh Singh Pawar,J.

1. Heard learned counsel for the petitioner and learned A.G.A. who appears on behalf of the State Respondents.

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

"(I) Issue a writ, order or direction in the nature of certiorari quashing the impugned First Information Report dated 03.08.2023 lodged by opposite party no.4 which was registered as FIR/Crime No. 0325 of 2023 at Police Station Risia, District Bahraich, under sections 376, 506 IPC, as contained in Annexure No. 1 to the writ petition, so far as it relates to petitioner.

(II) Issue a writ, order or direction in the nature of Mandamus commanding the opposite parties not to arrest the petitioner on the basis of false first information report dated 03.08.2023 lodged by opposite party no.4 which was registered as FIR/Crime No. 0325 of 2023 at Police Station Risia, District Bahraich, under sections 376, 506 IPC, as contained in Annexure No. 1 to the writ petition"

3. It has been submitted by the learned counsel for the petitioner that the impugned F.I.R. says that the victim had relationship with the petitioner for the past 15 years. The allegation of rape cannot stand in the scrutiny of law, the

relationship was a consensual relationship.

4. Learned A.G.A. for the State has produced a copy of instruction sent by the Sub-Inspector of Police, Police Station- Risia, District- Ayodhya wherein the contents of the statements recorded of the victim under Section 164 Cr.P.C. is not in support of the petitioner.

5. The written instructions are kept on record.

6. This Court has gone through the F.I.R. and also the statement under Section 164 of the Cr.P.C which is supporting the prosecution story.

7. This Court finds no good ground to show interference in the impugned F.I.R.

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

Order Date :- 13.10.2023

Darpan Sharma