

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8022 of 2023

Petitioner :- Mannu Lal And Another

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

Counsel for Petitioner :- Lalu Prasad Bhatt

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Ajai Kumar Srivastava-I,J.

1. Heard learned counsel for the petitioners, learned A.G.A. who appears on behalf of the State Respondents and Sri Abhishek Dwivedi, Advocate who appears on behalf of the Victim, which is taken on record.

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

"(i) To issue a writ order or direction in the nature of Certiorari quash the impugned F.I.R. lodged by Opposite party No. 4 against the petitioners in Case Crime No. 0177 of 2023, U/S 323, 354, 354kha, 504, 376 I.P.C. Police Station-Nawabganj, District-Bahraich, contained as Annexure No. 1 in the interest of justice.

(ii) To issue a writ order or direction in the nature of Mandamus commanding and directing the Opposite party/Police Authority not to arrest the petitioners in Case Crime No. 0177 of 2023, U/S 323, 354, 354kha, 504, 376 I.P.C. Police Station-Nawabganj, District-Bahraich, in the interest of Justice."

3. It has been submitted by the learned counsel for the petitioners that the petitioners have been falsely implicated in the impugned F.I.R. Initially, the F.I.R. was lodged only under Section 323, 354, 354 (kha) and 504 of the I.P.C.. Later on, with the collusion of the Investigating Officer Section 376 of the I.P.C. has been added.

4. Learned A.G.A. for the State Respondents has produced before this Court, a copy of the Case Diary which contains the statement recorded of the Victim under Section 164 of the Cr.P.C. wherein specific cognizable offence under Section 376 of the I.P.C. has been alleged.

5. The writ petition is ***dismissed***.

Order Date :- 16.10.2023

Darpan Sharma