

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8058 of 2023

Petitioner :- Dhiraj Kumar Alias Rambali Saroj

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Home, U.P. Lucknow And Others

Counsel for Petitioner :- Shilendra Kumar, Rajendra Singh

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Karunesh Singh Pawar, J.

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

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

"Issue a writ, order or direction in the nature of certiorari quashing the impugned First Information Report dated 28.09.2023 lodged by opposite party No.4 in FIR/ Case Crime No.336/2023, under Sections 452, 354 IPC and Section 7/8 Protection of Children from Sexual Offences Act, Police Station Leelapur, District Pratapgarh, as contained in Annexure No.1 to the writ petition."

Learned counsel for the petitioner submits that the petitioner is completely innocent and has been falsely implicated. Moreover, all the Sections invoked against the petitioner carry a punishment upto seven years and, therefore, the petitioner is entitled for the benefit of the judgement rendered by Hon'ble Supreme Court in the case of *Arnesh Kumar v. State of Bihar*, (2014) 8 SCC 273. .

This Court has perused the F.I.R. and finds that the petitioner had tried to molest a 16 years old minor.

After having examined the submissions advanced by learned counsel for the parties and perused the impugned F.I.R., we are of the opinion that the impugned F.I.R. discloses cognizable offence by the petitioner, hence, no interference is called for by this Court in its extraordinary power under Article 226 of the Constitution of India for quashing of the F.I.R. or for grant of any interim relief to the petitioner and accordingly, the present writ petition is ***dismissed***.

Order Date :- 17.10.2023

Rahul