

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8106 of 2023

Petitioner :- Arvind Kumar Alias Arvind Pal

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

Counsel for Petitioner :- Prashant Srivastava, Arunendra Nath Mishra

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Karunesh Singh Pawar, J.

1. Heard learned counsel for the petitioner as well as learned A.G.A. for the State-respondents.

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

"(i) Issue a writ, order or direction in the nature of certiorari to quash the impugned first information report lodged by O.P. No.04, on dated 14/07/2023 vide case crime No.354/2023, U/s 364,504,506 I.P.C. Police Station-Sursa, District-Hardoi, contained as ANNEXURE No.01 with this writ petition.

(ii) Issue a writ order or direction in nature of mandamus commanding the opposite parties not to arrest the petitioner in pursuance of the impugned first information report lodged by O.P. No. 4 on dated 14/07/2023 vide case crime No.354/2023, U/s 364,504,506 I.P.C. Police Station-Sursa, District-Hardoi, District-Hardoi, contained as ANNEXURE No.1 with this writ petition."

3. It has been submitted by learned counsel for the petitioner that the petitioner had cordial relations with Ram Prakash, the husband of the informant, and they had gone to a pilgrimage to Vaishno Devi. The husband of the informant did not return from the said pilgrimage therefore, the informant falsely implicated the petitioner of abducting her husband.

4. This Court has perused the F.I.R. and finds that the victim has not yet been recovered, therefore, we cannot grant the

prayer of the petitioner as made in this writ petition as *prima facie* a cognizable offence is made out.

5. The writ petition is dismissed.

Order Date :- 18.10.2023

Saurabh Yadav/-