

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8148 of 2023

Petitioner :- Surendra Kumar Gautam

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

Counsel for Petitioner :- Ashutosh Misra

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Mrs. Renu Agarwal,J.

Supplementary affidavit filed today is taken on record.

Heard learned counsel for the petitioner, learned A.G.A. for the State/respondents and perused the material placed on record.

This writ petition has been filed by the petitioner with the prayer to issue a writ, order or direction in the nature of Certiorari quashing the impugned FIR dated 26.09.2023, registered as FIR/Case Crime No.546 of 2023, under Sections 493, 376(2) (n), IPC., P.S.-Akbarpur, District-Ambedkar Nagar A further prayer for issuing a writ, order or direction in the nature of Mandamus commanding and directing the respondents not to arrest the petitioner on the basis impugned FIR.

Learned A.G.A has produced before this Court instructions sent by Amit Kumar Pandey, Inspector, Police Station Akbarpur District Ambedkar Nagar wherein it has been stated that on the basis of statement of the victim recorded under Section 164 Cr.P.C, Section 493 IPC has been deleted and Section 376(2)(n) IPC has been added. The main accused Surendra Kumar Gautam who is the petitioner has been arrested on 20.10.2023 and sent to judicial custody. Charge sheet No. 466 of 2023

dated 21.10.2023 under Section 376 (2)(n) IPC has been prepared and submitted to the supervisory authority i.e. the Circle Officer concerned. Hence, the writ petition has become infructuous.

Accordingly, the writ petition is dismissed as infructuous.

Instruction provided by learned A.G.A are kept on record.

Order Date :- 30.10.2023

Nadeem