

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8279 of 2023

Petitioner :- Siddharth Alias Siddharth Bhim Baudhh

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

Counsel for Petitioner :- Deepak Kumar, Rajesh Kumar Anand

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

(1.) Shri Sagun Chandra Rastogi, Advocate has filed his power on behalf of opposite party no.5, which is taken on record.

(2.) Heard learned counsel for the petitioner and learned A.G.A.

(3.) This petition has been filed with the following main prayers:-

"(a.) Issue a writ, order or direction in the nature of Certiorari quashing the first information report dated 17.09.2023, as Case Crime No.0347/2023, under Sections 376, 506 I.P.C., Police Station-Kotwali Dehat, District-Sultanpur, as Annexure No.2, to this writ petition.

(b.) Issue a writ, order or direction in the nature of Mandamus commanding the opposite party no.1 to 4 not to arrest the Petitioner in Case Crime No.0347/2023, under Sections 376, 506 I.P.C., P.S. Kotwali Dehat, District-Sultanpur, as contained in Annexure No.1, to this writ petition."

(4.) It has been submitted by learned counsel for the petitioner that the petitioner and the opposite party no.5 belong to the same family and there is old family dispute which is going on between the parties as a result whereof the impugned FIR has been lodged falsely implicating the petitioner only to harass him.

(5.) It has been submitted by the counsel for the petitioner that

the petitioner has tried to lodge the FIR against the opposite party no.5 and her family members, a complaint was made on 14.09.2023, a copy of which has been filed as Annexure-5 to the writ petition. His complaint was not registered as an FIR, on the other hand, the impugned FIR has been registered. The petitioner has filed an application under Section 156(3) on 19.09.2023 against his family members of the opposite party no.5.

(6.) The learned AGA has produced before this Court instructions from which it is evident that the statement of the victim has been recorded under Sections 161 and 164 Cr.P.C., a copy of the statement recorded under Sections 164 Cr.P.C. on 21.09.2023 has been produced as an extract of the case diary maintained by the Investigating Officer, wherein the victim has made specific allegations regarding the petitioner misreading her, telling her that he would marry her and exploiting her sexually for the past two years. It has been stated that her mother had stopped her from lodging FIR earlier but she got tired of the harassment meted out to her to file the petition and therefore, lodged the FIR on 17.09.2023.

(7.) Having gone through the FIR and also the statement recorded of the victim under Section 164 Cr.P.C., this Court is of the opinion that a cognizable offence is made out to show interference.

(8.) Accordingly, the writ petition is **dismissed**.

Order Date :- 2.11.2023

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