

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8337 of 2023

Petitioner :- Rajesh @ Rajesh Kumar Jayswal

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

Counsel for Petitioner :- Lalji Prasad Shukla

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Mrs. Renu Agarwal,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 to quash the First Information Report dated 17.10.2023 registered at FIR No.373/2023 under Section- 354/504 IPC, under section- 3 (1)(w)(i) of SC/ST Act, & 7/8 POCSO Act Police Station Tambaur, District- Sitapur, contained as Annexure No.1 to this writ petition."

It has been submitted by learned counsel for the petitioner that 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.

Learned A.G.A. has opposed the prayer for quashing of the First Information Report and submitted that cognizable offence is made out against the petitioner in the impugned F.I.R., therefore, the present writ petition is liable to be dismissed.

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 :- 30.10.2023

Rahul