

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8369 of 2023

Petitioner :- Ubaidurrahman

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

Counsel for Petitioner :- Sadhu Sharan Chaubey, Manish Barnwal, Rajesh Kumar Singh

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

(1) Heard the learned counsel for the petitioner and the learned A.G.A. who appears for the Opposite party nos.1, 2 & 3.

(2) This petition has been filed by the petitioner for the following main prayer:-

"1) Issue a writ, order or direction in the nature of Certiorari thereby quashing the impugned First Information Report dated 17.10.2023 registered as Case Crime No.0625 of 2023, under Sections 386, 507 I.P.C., at Police Station Kotwali Dehat, District Bahraich, lodged by the Opposite party no.4, in order to secure the ends of justice."

(3) It has been submitted by the learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the impugned F.I.R. The truth of the matter is that the petitioner and the informant are both neighbour and there is a dispute with regard to water being flown by one house that gets the other house water logged. Out of the said annoyance with a neighbour, the impugned F.I.R. has been lodged. It has also been stated that Section 386 of I.P.C. is not made out against the petitioner.

(4) From perusal of the F.I.R. it appears that Section 386 I.P.C. is not made out against the petitioner.

(5) This Court has perused the F.I.R. and finds that according to the prosecution story the petitioner had sent messages on the mobile number of the informant and

demanded money and also threatened her that if she will not give money then the petitioner will make effort to defame her and thereafter the petitioner has been blackmailing the informant and also an Audio clip of her conversation being sent to certain mobile numbers relating to Office staff of the informant.

(6) This Court does not find any good ground to show interference in the matter, hence, the writ petition is ***dismissed.***

Order Date :- 31.10.2023

N.PAL