

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8549 of 2023

Petitioner :- Ashish Yadav

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

Counsel for Petitioner :- Neelam Verma, Sanjive Kumar
Tripathi

Counsel for Respondent :- G.A., Garima Singh

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

Heard learned counsel for the petitioner, learned AGA who appears on behalf of State-respondents and perused the record.

This writ petition has been filed with a prayer to issue a writ, order or direction in the nature of Certiorari for quashing of impugned First Information Report dated 24.10.2023 registered as F.I.R. No. 578 of 2023 under Sections 376, 147, 323, 504, 506 IPC and Sections 3/4 of Protection of Children from Sexual Offences Act, 2012, P.S. Sushant Golf City, Lucknow and for a direction to the respondents not to arrest the petitioner pursuant to the impugned FIR.

Learned AGA has produced before this Court a copy of the written instructions sent by Sri Sandeep Kumar Sharma, Sub Inspector, P.S. Sushant Golf City, Lucknow wherein it has been stated that the date of birth of victim is 25.11.2005.

The said instructions are kept on record.

Ms. Garima Singh appearing on behalf of the private respondent has pointed out from her counter affidavit filed on behalf of complainant that a forged marksheet has been produced before this Court to get an interim protection. The informant had made a complaint to 1090 woman helpline number on 2.8.2023 and 11.8.2023 from where the matter was sent to local Police Station i.e. Sushant Golf City, Lucknow where FIR was registered on 24.10.2023 under Sections 376, 147, 323, 504, 506 IPC and 3/4 of Protection of Children from Sexual Offences Act, 2012, P.S. Sushant Golf City, District Lucknow. The original marksheet of High School having Roll No. 1814548 of year 2020 showing the date of birth of the victim as 25.11.2005 has been filed as CA-3 to the counter affidavit.

In view of above, writ petition is **dismissed** with a cost of Rs. 50,000/- which shall be deposited by the petitioner within a month in the Registry of this Court. In case of

failure to do so, the Senior Registrar of this Court shall issue a recovery certificate through District Magistrate, Lucknow who shall ensure the recovery of the amount as the arrears of land revenue from the moveable and immovable property of the petitioner and deposit the same in Court within three months thereafter. On deposit of said amount in Court, it shall be released in favour of Rajkiya Balgrah (Balika), Lucknow for the benefit of children in need of care and protection.

Order Date :- 7.12.2023

AKK