

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8907 of 2023

Petitioner :- Arun Kumar Alias Khabbu

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

Counsel for Petitioner :- Ram Naresh Singh Chauhan

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 to 4.

(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 quashing the impugned First Information Report dated 02.05.2023 registered as F.I.R./Case Crime No.211 of 2023, under Sections 376-D, 506, 34 I.P.C. and Section 3/4 Protection of Children from Sexual Offences Act, and Section 3 (2) (v) of S.C./S.T. Act, at Police Station Maurawan, District Unnao, (So far it relates with the petitioner), as contained in Annexure No.1 to this writ petition."

(3) It has been submitted by the learned counsel for the petitioner that the petitioner has been falsely implicated in the impugned F.I.R.

(4) According to the prosecution story as mentioned in the F.I.R. is that the petitioner raping the daughter of the complainant. However, for the same incident that is alleged to have occurred on 31.12.2021, initially one F.I.R. was lodged on 14.09.2022, a copy of which has been filed as Annexure No.2 to the writ petition under Sections 376-D, 506 I.P.C. and Section 3/4 of P.O.C.S.O. Act, and Section 3 (2) (v) of S.C./S.T. Act. In pursuance of the said F.I.R., the petitioner was also arrested and sent to jail. He was released on bail, thereafter the impugned F.I.R. has been lodged for the same incident.

(5) Learned A.G.A. has pointed out that the date of incident in both the F.I.R.s is different.

(6) This Court has perused both the F.I.Rs. and also the instructions sent by Shri Narendra Singh, the Sub-Inspector of Police Station Maurawan, District Unnao, a copy of the Case Diary and also the statement of the victim recorded under Section 164 of the Cr.P.C. given to the Magistrate, and finds that no interference is required in the matter.

(7) The writ petition stands ***dismissed***.

Order Date :- 22.11.2023

N.PAL