

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8944 of 2023

Petitioner :- Kanhaiya Nishad And Another

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

Counsel for Petitioner :- Julfikar Ahmad, Kumar Gaurav Srivastav, Mohd. Khurshid Akhtar

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

Heard learned counsel for the petitioner and learned A.G.A. for the State-respondents.

This petition has been filed praying the following reliefs:-

(a) Issue a writ, order or direction in the nature of certiorari thereby quashing the impugned first information dated 16.9.2023, vide case crime no. 187 of 2023 under Section 493, 506, 498-A I.P.C. and Section 6 of the Indecent Representation of Women (Prohibition) Act, 1986, and Section 67 of the Information Technology (Amendment) Act, 2008, lodged at Police Station- Jaitpur District- Ambedkar Nagar as contained in Annexure-1 to this writ petition.

(b) Issue a writ, order or direction in the nature of mandamus commanding the opposite party not to harass, detain or prosecute the petitioner in pursuance of the impugned F.I.R.

It has been submitted by the learned counsel for the petitioners that petitioners have been falsely implicated in impugned F.I.R. The allegation in the F.I.R. is that he had sexually exploited the opposite party no. 4 on the pretext of marriage for the past 7 years ago and got married to her in Kali Mata Mandir and thereafter left her. He has also taken her objectionable video.

Learned counsel for the petitioner also submitted that the opposite party no. 4 had been married twice earlier as evident from Annexure- 2 and 3, which are letters issued by the Gram Pradhan of Gram Panchayat, Khurvainya, Jahangirganj, Tahsil -Alapur, District- Ambedkar Nagar and Gram Pradhan of Gram Panchayat, Madhavpur, Bhiyanv, District- Ambedkar Nagar

The Court having perused the impugned F.I.R. finds no ground to show interference.

The writ petition is, accordingly, **dismissed**.

Order Date :- 23.11.2023

Anuj Singh