

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9057 of 2023

Petitioner :- Pradeep Kashyap (Pradeep Kumar)

Respondent :- State Of U.P. Thru. Secy. Home Deptt., Lucknow And Others

Counsel for Petitioner :- Neeraj Sahu

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.

(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 13.11.2023 lodged as F.I.R./ Case Crime No.0401 of 2023, under Section 366 I.P.C., P.S. Pali, District Hardoi, against the petitioner which is contained as Annexure No.1 to the 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. The petitioner is the Driver of 108 Ambulance and he has filed documentary evidence to show that he was nowhere involved in the said incident and he was on duty when the daughter of Chhange Lal, disappeared.

(4) It has been submitted by the learned counsel for the petitioner that Pradeep Kashyap alias Pradeep Kumar, is the same person as the petitioner herein, he was alleged to be living in the neighbourhood where there is an old enmity between the parties, as a result whereof, the girl in question has given wrong statement before the Police.

(5) This Court has perused the F.I.R., it appears that the missing report was filed thereafter. When the girl returned to her house and on her statement the police has implicated the petitioner in the impugned F.I.R.

(6) This Court has perused the F.I.R. and finds that a cognizable offence to be made out as initially, the missing report was registered by the father of the girl, later on, she had returned to her house. After returning to her house the police got information regarding the same and they visited the house of missing girl where she has given a statement that she had eloped with the petitioner.

(7) This Court finds no good ground to show interference in the matter, hence, the writ petition is ***dismissed***.

Order Date :- 29.11.2023

N.PAL