

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9161 of 2023

Petitioner :- Pravesh Kumar

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

Counsel for Petitioner :- Girish Kumar Pandey, Sher Bahadur Yadav

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 learned A.G.A. for the State-respondents.

2. This petition has been filed with the following main prayers:-

"i) Issue a writ, order or direction in the nature of Certiorari thereby quashing the impugned First Information Report dated 30.06.2023 lodged by the opposite party no.4 in Case Crime No.0091 of 2023 Under Section 354(Ka) I.P.C. and Section 7/8 Protection of Children from Sexual Offences Act, 2012 and Section 3(1)(Da)(Dha) SC/ST Act, police station Bewana District Ambedkar Nagar contained as Annexure No.1 to this writ petition.

(ii) Issue a writ, order or direction in the nature of Mandamus thereby commanding and directing the opposite parties not to arrest the petitioner in pursuance of the impugned First Information Report dated 30.06.2023 lodged by the opposite party no.4 in Case Crime No.0091 of 2023 Under Section 354(Ka) I.P.C. and Section 7/8 Protection of Children from Sexual Offences Act, 2012 and Section 3(1)(Da)(Dha) SC/ST Act, police station Bewana District Ambedkar Nagar contained as Annexure No.1 to this writ petition."

3. It has been submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the impugned FIR. He further submits that the elder brother of the petitioner is running a tea stall and petitioner sits along with his brother to help him. The complainant always comes in the said tea shop but he does not pay him money. When the petitioner and his brother tried to get the money for the tea that had been drunk by

the informant he lodged the FIR.

4. This Court has perused the impugned F.I.R. and *prima facie* finds that cognizable offence is being made out, hence finds no good ground to show interference as prayed in this petition.

5. The Writ Petition is, accordingly, **dismissed**.

Order Date :- 1.12.2023

Arnima