

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9179 of 2023

Petitioner :- Vikas Alias Vikku Thru. His Mother Smt. Shyampati

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

Counsel for Petitioner :- Vinod Kumar Pandey

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 report dated 24.10.2023 vide case crime no. 269 of 2023 under Section 41/411/413 I.P.C., lodged at Police Station- Baldirai, District-Sultanpur 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 petitioner that the petitioner was not found at the time of raid at the premises. No recovery was made from him. Only on the statement of one person who was napped by the police during the raid, the petitioner has been falsely implicated. The petitioner has long running enmity with the said accused, who was caught by the police red-handed. Moreover, the petitioner is minor.

The Court having perused the impugned F.I.R. finds no ground to show interference. However, if the petitioner is minor, guardian/parents of the petitioner shall produce the petitioner's educational documents before Investigating Officer, who will submit the same to the Juvenile Justice Board of the District concerned and appropriate order be passed by the Juvenile Justice Board with regard to his custody, if he is minor.

The writ petition is, accordingly, **disposed of**.

Order Date :- 2.12.2023

Anuj Singh