

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9360 of 2023

Petitioner :- Deepak Dwivedi Alias Siddharth Dwivedi

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

Counsel for Petitioner :- Uma Kant Gupta

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

Heard learned counsel for the petitioner, learned A.G.A. for the State/respondents and perused the record.

This Court had passed an order on 11.12.2023, which is quoted herein below :-

"1. Heard learned counsel for the petitioner and learned A.G.A. who appears on behalf of 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 to quash the impugned First Information Report dated 22.11.2023 registered at Icase crime no. 0568/2023, under section 493/504/506 IPC Police Station Bhadokhar, District Raebareli, as contained in Annexure no. 1.

(ii) ISSUE a writ, order or direction in the nature of Mandamus commanding and directing the opposite party no. 3 not to arrest the petitioner in connection with First Information Report dated 22.11.2023 registered at Icase crime no. 0568/2023, under section 493/504/506 IPC Police Station Bhadokhar, District Raebareli, as contained in Annexure no. 1, during the pendency of the writ petition."

3. Learned A.G.A. for the State Respondents shall seek instructions from the State Respondents.

4. List this case in the next week as fresh."

Learned A.G.A. has produced before this Court instructions sent by Sub Inspector, Police Station - Bhadokhar, District - Raebareli wherein it has been stated that the statement of the

victim was recorded under Section 164 Cr.P.C. After her medical examination was conducted the medico legal report has been procured and on the basis of statement of the victim under Section 164 Cr.P.C. and medical examination report Section 376 I.P.C. along with Section 3/4 of POCSO Act has been added. The date of the Birth of the victim is 3rd March, 2004.

The instructions are kept on record.

This Court has perused the F.I.R. as well as the instructions and finds that cognizable offence to be made out. No case for interference is made out.

Accordingly, the writ petition stands **dismissed**.

Order Date :- 18.12.2023

ML/-