

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9336 of 2023

Petitioner :- Arman Ali

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

Counsel for Petitioner :- Umesh Pratap Singh

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.

This petition has been filed with the following main prayer:-

"issue a writ, order or direction in the nature of certiorari thereby quashing the impugned first information report lodged by the opposite party no.3 on 08.11.2023 vide F.I.R. no.538 of 2023, under Sections -328, 376, 392, 506 I.P.C. at Police Station- Mohanlalganj, District- Lucknow, as contained in Annexure no.1 to this writ petition."

It has been submitted by learned counsel for the petitioner that the petitioner is completely innocent and had been falsely implicated. He had extended monetary help to the complainant, but when he asked his money to be returned, the impugned F.I.R has been lodged only to harass him.

This Court has perused the impugned F.I.R. and finds that there is a detailed mention of the *modus operandi* of the petitioner.

This Court is of the opinion that as to whether the relationship was consensual in nature as a consideration for monetary help that was extended by the petitioner, has to be seen by the Trial Court.

After having examined the submissions advanced by learned counsel for the parties and perused the impugned F.I.R., we are of the opinion that the impugned F.I.R., *prima facie*, discloses cognizable

offence to have committed by the petitioner, hence, no interference is called for by this Court in its extraordinary power under Article 226 of the Constitution of India for quashing of the F.I.R. or for grant of any interim relief to the petitioner and accordingly, the present writ petition is ***dismissed***.

Order Date :- 11.12.2023

Rahul