

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9506 of 2023

Petitioner :- Smt. Shafikul Nisa Alias Nankaha Alias Fatima And Another

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

Counsel for Petitioner :- Rehan Ahmad Siddiqui, Dildar Khan

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

Heard learned counsel for the petitioners, learned A.G.A. for the State/respondents and perused the material placed on record.

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

"(I) A writ, order or direction in the nature of Certiorari for quashing the impugned F.I.R. registered at case crime No.338/2020 u/s 363, 366, 120-B I.P.C. of P.S. Raniganj, Distt. Pratapgarh, as contained in Annexure No.1 to this writ petition.

(II) A writ, order or direction commanding the opposite parties not to proceed, prosecute or arrest the petitioners on the basis of the impugned F.I.R."

It has been submitted by learned counsel for the petitioners that initially an F.I.R. was lodged against certain accused in which the victim was recovered and she stated that she was in love with Shahrukh and eloped with him and got married. Later on, when she became major she again ran away with the accused.

Learned A.G.A. has pointed out that the F.I.R. impugned in the writ petition is of the year 2020 and as per Annexure No.3 to the writ petition, which is a questionnaire filed in the court of Special Judge, POCSO Act, Pratapgarh the trial is pending in case Crime No.338/2020.

The relief as prayed for in this writ petition for quashing of the F.I.R. cannot be granted.

The writ petition is, accordingly, **dismissed**, leaving it open for

the petitioners to challenge the charge-sheet, if so advised, before competent forum.

Order Date :- 15.12.2023

ML/-