

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9524 of 2023

Petitioner :- Karam Mohammad

Respondent :- State Of U.P. Thru. Prin. Secy./Addl. Chief Secy. Home Govt. Civil Sectt. Lko And Others

Counsel for Petitioner :- Mahendra 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, 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) issue, a writ order or direction in the nature of Certiorari quashing the First Information Report dated 28.11.2023 at 15.55 O' clock, lodged at Police Station - Khodare, District - Gonda, under Section 354, 504, 506 I.P.C. and Section 7/8 POCSO Act, registered as F.I.R. No. 0271/2023, contained in Annexure No.1 to this writ petition.

(ii) issue, a writ order or direction in the nature of Mandamus commanding the respondent No.3 not to arrest to the petitioner in pursuance of the First Information Report dated 28.11.2023 at 15.55 O' clock, lodged at Police Station - Khodare, District - Gonda, under Section 354, 504, 506 I.P.C. and Section 7/8 POCSO Act, registered as F.I.R. No. 0271/2023, contained in Annexure No.1 to this writ petition."

It has been submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the impugned F.I.R. Petitioner lives at Surat. It has also been submitted that all the sections invoked against the petitioner carry maximum punishment up to 07 years, therefore, benefit of the judgment rendered by the Hon'ble Supreme Court in the case of ***Arnesh Kumar v. State of Bihar, (2014) 8 SCC 273*** may be given to him.

This court has gone through the impugned F.I.R. and does not find from its contents that the prayer as made orally by learned counsel for the petitioner deserves to be accepted.

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

Order Date :- 16.12.2023

ML/-