

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9659 of 2023

Petitioner :- Sahil Kumar Patel

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

Counsel for Petitioner :- Arvind Kumar Verma

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 :-

"(a) 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 1.8.2023 vide F.I.R. No.306 of 2023, under section 376, 313 I.P.C. at Police Station - Patti, District - Pratapgarh, as contained in Annexure No.1 to this writ petition, so far as it relates to the petitioner.

(b) issue a writ, order or direction in the nature of mandamus commanding the opposite parties no.1 and 2 not to arrest or adopt any coercive measures against the petitioner on the basis of impugned first information report, lodged by the opposite party no.3 on 1.8.2023 vide F.I.R. No.306 of 2023, under sections - 376, 313 I.P.C. at Police Station - Patti, District - Pratapgarh, as contained in Annexure No.1 to this writ petition."

It has been submitted by learned counsel for the petitioner that petitioner is completely innocent and has been falsely implicated in the impugned F.I.R.

Learned A.G.A. has produced before this Court instructions dated 18.12.2023, sent by Sub Inspector, Police Station - Kotwali Patti, District Pratapgarh wherein it has been stated that victim has given statement under Section 161 and 164 Cr.P.C. where she has not supported the prosecution version. She has given an affidavit before the Investigating Officer that she does not want to press the F.I.R. She is living for the past almost two

months with the accused in his home at Village- Marha and it is unlikely that she will depose against the petitioner in the court, if the case goes to trial. Therefore, Final Report No.121/2023, dated 22.10.2023 has been submitted to the Circle Officer, Patti, Pratapgarh.

Instructions are kept on record.

In view of the above, the writ petition is **dismissed** having become infructuous.

Order Date :- 20.12.2023

ML/-