

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9762 of 2023

Petitioner :- Palvinder Singh

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

Counsel for Petitioner :- Ajai Kumar Shukla, Kamlesh Kumar

Counsel for Respondent :- G.A., Shashank Singh

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Karunesh Singh Pawar, J.

Heard learned counsel for the petitioner and learned AGA for the State as well as Shri Shashank Singh, learned counsel for the complainant who has filed caveat on behalf of respondent no. 4.

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

Issue a writ, order or direction in the nature of Certiorari quashing the first information report dated 03.11.2023, as Case Crime No.0627/2023, under section 376-D, 377, 342, 420, 406, 323, 504 IPC, Police Station-Nighasan, District-Kheri, so far it relates to the petitioner, as contained in Annexure No.1, to this writ petition.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the impugned FIR only because of enmity arising out of commercial transaction. Some money was given to opposite party no. 4 and when the money was asked to return back, he has been falsely implicated.

Learned counsel for the petitioner has further pointed out that certain copies of Register maintained by Hotel Surabhi, Lakhimpur Kheri has been filed as annexure No. 3 to the petition to say that opposite party no. 4 had consensual intercourse with him.

This Court has perused the FIR and finds cognizable offence to be made out. The question of whether the sexual relationships were consensual in nature can only be determined on evaluation of evidence by the learned trial court.

This Court finds detailed descriptions of the offences allegedly committed by the petitioner in the FIR and therefore, finds no good ground to grant relief as prayed.

The writ petition is dismissed.

Order Date :- 22.12.2023

R.C.