

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9865 of 2023

Petitioner :- Mohd. Faij Khan

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

Counsel for Petitioner :- Mohd. Nafees, Israr Ahmad

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Karunesh Singh Pawar, J.

(1) Heard the learned counsel for the petitioner and the learned A.G.A. who appears for the Opposite party nos.1, 2 & 3.

(2) This petition has been filed by the petitioner for the following main prayer:-

"1) Issue a writ, order or direction in the nature of Certiorari quashing the impugned First Information Report dated 19.12.2023 lodged by the informant/ Opposite party no.4, against the petitioner in Case Crime/F.I.R. No.0725 of 2023, under Sections 323, 354, 504 & 506 I.P.C. at Police Station Gomti Nagar, District Lucknow Eastern (Commissionerate), District Lucknow. as contained in Annexure No.1 to the writ petition."

(3) It has been submitted by the learned counsel for the petitioner that the petitioner has been falsely implicated in the impugned F.I.R. It has also been submitted that all the sections invoked against the petitioner carry a punishment upto 7 years, therefore, this Court may grant the benefit of the judgment rendered by Hon'ble the Supreme Court in the case of ***Arnesh Kumar Vs. State of Bihar reported in (2014) 8 SCC 273.***

(4) This Court has perused the F.I.R. wherein the informant has alleged that although she is major, she is being pursued by the petitioner for a long time and he has molested and abused her and also threatened to kill her if she will not marry with him, even after her marriage to some other person whose name has been mentioned in the F.I.R. He has been pursuing her in fact earlier also a complaint was made by the informant on the Police

Helpline No.1090 on 19.12.2023 about the alleged misconduct of the petitioner.

(5) This Court has perused the F.I.R. and finds no good ground to show interference in the matter.

(6) The writ petition stands ***dismissed.***

Order Date :- 22.12.2023
N.PAL