

Court No. - 16

Case :- CRIMINAL MISC. WRIT PETITION No. - 6726 of 2024

Petitioner :- Indranath Saroj And 3 Others

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of Home Lko And 5 Others

Counsel for Petitioner :- Ravindra Kumar Dwivedi, Vivekanand Misra

Counsel for Respondent :- G.A.

Hon'ble Shamim Ahmed, J.

Heard Sri Ravindra Kumar Dwivedi, learned counsel for the petitioner and Sri Rajiv Kumar Verma, learned A.G.A.-I for the State as well as perused the record.

The instant writ petition has been filed seeking following main relief:-

"I. Issue a writ order or direction in the nature of certiorari to quash the impugned order dated 22.08.2024 passed by learned Additional Sessions Judge/Special Judge (POCSO Act), Court No.12, Sultanpur in Criminal Misc. Case No.330 of 2024, Police Station Chanda, District Sultanpur as contained in Annexure No.1 to this Writ Petition."

On 10.09.2024, this Court has passed the following order:-

"This writ petition has been filed, inter alia, with the following prayer:

"Issue a writ, order or direction in the nature of certiorari to quash the impugned order dated 22.08.2024 passed by the Addl. Sessions Judge/Special Judge (POCSO Act), Court No. 12, Sultanpur, in Criminal Misc. Case No. 330 of 2024, Shebu Saroj v. Indra Nath and ors", P.S. Chanda, District Sultanpur, as contained in Annexure No. 1 to this writ petition."

He further submits that the learned trial court cannot direct for registration of the case, unless a thorough investigation of the matter is conducted as per Section 156(3), Cr.P.C. He also submits that in this regard he will produce the relevant case-laws before this Court and prays for some time.

As prayed, list this case on 13.09.2024 in the list of fresh cases. "

Learned A.G.A.-I for the State has produced instructions today in the Court which is taken on record. The instructions are received from Station House Officer, Police Station Chanda, District Sultanpur, wherein it has been stated

that an F.I.R. has already been lodged against the petitioners on 09.09.2024 bearing Case Crime No.438 of 2024, under Sections 115(2)/352/351(3)74 B.N.S. and Section 16/17 of POCSO Act at Police Station Chanda, District Sultanpur.

Thus, learned A.G.A.-I for the State submits that relief sought in this writ petition cannot be granted and the petitioner may approach the competent forum to challenge the first information report.

Learned counsel for the petitioner submits that he do not want to press this writ petition at this stage, therefore, the same may be dismissed as not pressed with liberty to avail appropriate remedy as per law.

Learned A.G.A.-I for the State has no objection to the prayer made by learned counsel for the petitioner.

Accordingly, the instant writ petition is **dismissed** as not pressed with liberty as prayed for.

Order Date :- 13.9.2024
Saurabh