

**Court No. - 10**

**Case :-** CRIMINAL MISC. WRIT PETITION No. - 6674 of 2023

**Petitioner :-** Phool Chandra Patel

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

**Counsel for Petitioner :-** Dilip Kumar Pandey, Manoj Kumar Verma

**Counsel for Respondent :-** G.A.

**Hon'ble Mrs. Sangeeta Chandra, J.**

**Hon'ble Narendra Kumar Johari, J.**

**(1)** Heard the learned counsel for the petitioner and the learned A.G.A. who appears for the Opposite party nos.1 to 4.

**(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 thereby quash the impugned First Information Report dated 18.05.2023 lodged by the Opposite party no.4 as Case Crime No.161/2023, under Sections 376D I.P.C., at Police Station Ashpur Devsara, District Pratapgarh, contained in Annexure No.1 to the writ petition."*

**(3)** Learned counsel for the petitioner has referred to Annexure-2 to the writ petition which has been filed by the husband of the informant against the petitioner - Phool Chandra Verma and Vipin Kumar Mishra and also the informant wherein the allegation was against the informant herself by her husband. After a compromise was entered into between the husband and wife, a copy of which has been filed as Annexure to the petition, the wife has now lodged the F.I.R. against the petitioner.

**(4)** It has been submitted by the learned counsel for the petitioner that the petitioner has been falsely implicated in the impugned F.I.R. The story set up by the informant is with regard to the petitioner having enticed away the informant although the informant is a married lady aged about 32 years and having two children and residing with her husband. Initially, a compromise was arrived at

between the parties, as a result whereof, the application moved by the informant under Section 156 (3) Cr.P.C. was dismissed/rejected on 29.08.2022.

**(5)** This Court has perused the instructions sent by Sub-Inspector of Police Station Ashpur Devsara, District Pratapgarh, and a copy of the Case Diary has also been sent where in her statement under Section 164 Cr.P.C., the informant has supported the prosecution story. Also in the instructions sent by the Police Station concerned, it has been stated that Charge-sheet No.252/2023, dated 23.08.2023 has been sent to the Circle Officer for onward submission to the Court against Vipin Kumar Mishra and his mother Smt. Rekha Devi. The investigation against the petitioner Phool Chandra Verma/ Patel is still pending.

**(6)** This Court having perused the instructions and also the statement of the informant recorded under Section 164 of the Cr.P.C., does not find any good ground to show interference in the impugned F.I.R.

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

**Order Date :- 27.9.2023**

N.PAL