

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 11560 of 2023

Petitioner :- Shivam Kumar Pal @ Sonu Pal And 3 Others

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Ramesh Chandra Agrahari

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Vivek Kumar Singh,J.

Heard learned counsel for the petitioners, learned counsel for the first informant and learned AGA for the State.

The instant writ petition seeks quashing of the FIR dated 11.06.2023 giving rise to Case Crime No.093 of 2023, under Sections 376, 377, 313, 406, 506 I.P.C., Police Station- Kotwali, District- Prayagraj.

The contention of learned counsel for the petitioners is that the first information report is fabricated and concocted. The petitioner no.1 and the first informant have solemnized their marriage as both are major. They are happily living together out of their free will as husband and wife.

An application has been filed by the first informant addressed to the Commissioner of Police, Prayagraj. Copy of the same is filed as Annexure 3 to this writ petition, wherein she has admitted that the first information report was false and had been filed in a huff.

The submissions of counsel for the petitioner have been reiterated by counsel appearing for the first informant.

Perusal of the application filed by the first informant reveals and it admits that the first information report was false and had been filed upon some differences having cropped upon between her and petitioner no.1.

From such perusal, it clearly emerges that serious allegations of rape have been falsely alleged against the petitioner. The facts

noticed above lead to only one conclusion. The false first information report was lodged to pressurize the petitioner and /or to settle scores. The practice of lodging such first information reports and falsely making serious allegations of rape cannot be permitted. Such a practice has to be dealt with a heavy hand. The criminal justice system cannot be permitted to be used as a tool for setting personal disputes by filing first information report which are admittedly false.

Under the circumstances, the writ petition is liable to be allowed.

Since, the first informant has categorically admitted having filed a false and concocted first information report, she is liable to be saddled with heavy costs.

Accordingly, we allow the writ petition and quash the impugned FIR dated 11.06.2023 giving rise to Case Crime No.093 of 2023, under Sections 376, 377, 313, 406, 506 I.P.C., Police Station-Kotwali, District- Prayagraj.

We also impose costs of Rs.10,000/- upon the first informant, respondent no.3, which shall be deposited within a period of 10 days from today, failing which, the same shall be recovered as arrears of land revenue from the respondent no.3.

Order Date :- 26.7.2023

Aditya Tripathi