

**HIGH COURT OF ALLAHABAD****Bench: Justices J.J. Munir and Arun Kumar Singh Deshwal****Date of Decision: 5<sup>th</sup> June 2024**

Case No.:

CRIMINAL MISC. WRIT PETITION No. 8635 of 2024

**Petitioner:****Ruksar****VS****Respondent:****State Of UP And 3 Others****Legislation:**

Sections 376 and 506 of the Indian Penal Code (IPC)

Sections 3 and 5(1) of the U.P. Prohibition of Unlawful Religious Conversion Act, 2021

**Subject:** Petition seeking quashing of FIR under sections related to rape, criminal intimidation, and unlawful religious conversion. Allegations involve stalking, rape, and forced conversion to Islam.

**Headnotes:**

Criminal Law – Quashing of FIR – Petition dismissed –

Petitioner charged under Sections 376 and 506 IPC and Sections 3 and 5(1) of the U.P. Prohibition of Unlawful Religious Conversion Act, 2021 – Allegations include stalking, rape, and forced conversion – Court declines to interfere with investigation given serious allegations and legislative intent to curtail societal malady [Paras 1-10].

Unlawful Religious Conversion – Legislative Purpose –

U.P. Prohibition of Unlawful Religious Conversion Act, 2021 emphasized – New statute addressing societal issues – Court notes frequent interference in initial stages would undermine legislation’s purpose [Paras 8-9].

Decision – Writ Petition Dismissed –

Court finds no grounds to interfere with FIR – Petition fails – Legislative intent and societal context considered significant in decision [Para 10].

Representing Advocates:

For Petitioner: Avanish Pratap Singh, Udai Bhan Singh

For Respondent: G.A.

ORDER

**Hon'ble J.J. Munir,J.**

**Hon'ble Arun Kumar Singh Deshwal,J.**

1. Heard learned Counsel for the petitioner at great length and Mr. Shashi Shekhar Tiwari, learned Additional Government Advocate, appearing on behalf of the State.
2. The petitioner, in this case, is charged with offences under Sections 376 and 506 IPC and Sections 3 and 5(1) of the U.P. Prohibition of Unlawful Religious Conversion Act, 2021 (*for short, 'the Act of 2021'*).
3. The allegation against the petitioner and the co-accused, Abdul Rahman is that Abdul Rahman would stalk the informant since the year, 2022 when she was reading in Class-X. He would follow her to the temple and college and made friends with her. It is also said that once he called her home and ravished her. Later on, this became a regular feature.
4. Still later, Abdul Rahman was married and his brother, Irfan alias Chotu, started stalking the informant. He made friends with the informant. They put the informant under fear of losing her reputation and spoiling her life. There is allegation of ravishing the informant against Irfan alias Chotu as well.
5. The allegation against the petitioner is that he suggested the informant that she better convert to Islam and marry Irfan alias Chotu. On 30.03.2024, all the accused acting in conspiracy called the informant over to their place on the pretext of meeting her where she was ravished by the man. Irfan would take her to a *mazar* and force her to wear *Burqa*. After this ordeal, the accused put her on board a train bound for Karvi and sent her back. At the Karvi Station, Abdul Rahman received the informant and took her to his place where he ravished her through the night. He threatened her with death and told her that if she disclosed anything to anyone all her family would be done to death.
6. Considering the allegations in the FIR and the fact that there is also an attempt to convert the petitioner, which is prohibited under the Act of 2021, we do not think that this is a case where we should interfere with the investigation at all.

7. At this stage, it is argued by the learned Counsel for the petitioner that the allegation of ravishing the victim is against the men and not the petitioner who is a women. The allegations against the petitioner are limited to an offence under the Act of 2021. The allegation is very definite and fits into a complete scheme of things between the two men and the petitioner. She is married to one of them and is his wife. She wanted the prosecutrix to marry her husband's younger brother and do so after conversion to Islam.
8. The Act of 2021 is a new statute which has been enacted by the legislature to curtail a prevailing malady in society. If there is frequent interference with prosecutions at the initial stage under the Act of 2021, the legislation which is still young and designed to curtail a mischief in society that is rife it would be bogged down and fail to achieve its purpose.
9. In these circumstances, we do not think that this is a case where we ought to interfere with the impugned FIR at the instance of the petitioner.
10. In the result this petition **fails** and is **dismissed**.

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