

**Court No. - 9**

**Case :-** CRIMINAL MISC. WRIT PETITION No. - 7247 of 2024

**Petitioner :-** Arif Hussain @ Sonu Singh And Others

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

**Counsel for Petitioner :-** Vishwanath Tiwari, Kaushal Tiwari

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

**Hon'ble Vivek Chaudhary, J.**

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

Heard learned counsel for the petitioners, learned A.G.A. for the State/respondents and perused the record.

The present writ petition is filed with the following prayers:

"1. Issue a writ, order or direction in the nature of certiorari quashing thereby the impugned First Information Report dated 09.09.2024 lodged by the opposite party no.2 against the petitioners which has been registered at Case Crime No.0478 of 2024, under Sections 70(1),123,318(4),92,115(2),352,351(3),B.N.S., 3(1)Da, 3(1)Dha,3(2)(v) of SC/ST Act, Police Station Shushant Golf City, District Lucknow (contained at Annexure No.1 to this writ petition).

2. Issue a writ, order or direction in the nature of mandamus directing the opposite party nos.2 to 3 not to arrest the petitioners in Case Crime No.0478 of 2024, under Sections 70(1),123,318(4),92,115(2),352,351(3), B.N.S., 3(1)Da, 3(1)Dha, 3(2)(v) of SC/ST Act, Police Station Shushant Golf City, District Lucknow."

Learned counsel for petitioners submits that petitioners are innocent and they have been falsely implicated in the case. It is contended that the informant only to harass the petitioners has levelled false allegations against the petitioners.

There are serious allegations against the petitioner no.1 that he has concealed his name and religion and by identifying himself with the wrong name initially enticed away the victim, raped her and thereafter forced her to marry with him. Petitioner No.1 has shown that he had converted his religion from Islam to Sanatan. To support the same petitioner no.1 has filed a

conversion certificate dated 24.01.2009 and marriage certificate issued by Arya Samaj Mandir, Aliganj, Lucknow of the same date 24.01.2009 which itself looks to be dubious as both the certificates have same serial number. In marriage certificate the age of parties has not been mentioned and the wording mentioned in conversion certificate is not proper. The petitioners have also filed the certificate of registration of marriage dated 26.02.2010 as Annexure No.04 to the writ petition. Along with the writ petition, an Aadhar Card in the name of Arif Hussain is annexed as identification which shows that the same was issued on 24.06.2012 though he had converted his religion from Islam to Sanatan on 24.01.2009.

Learned A.G.A. vehemently opposed the submissions of learned counsel for petitioners and submitted that the date of conversion and marriage is same, therefore the conversion has been performed only for the purpose of marriage, which is not a legal conversion. However, the genuineness and validity of certificates of marriage and conversion as well as Aadhar Card is under active investigation. Learned A.G.A. further submitted that in the petition the petitioner no.1 has mentioned his name as Arif Hussain alias Sonu Singh which shows that petitioner is still known as Arif Hussain primarily. The petitioners have not approached the Court with clean hands.

On a query put to learned counsel for petitioners that once the petitioner no.1 has converted his religion from Islam to Sanatan way back on 24.01.2009 why he got his Aadhar applied in the year 2012 showing himself to be follower of Islam and his name as Arif Hussain, learned counsel for petitioners could not give any explanation for the same. It is apparent that the petitioner no.1 has not conducted himself bonafidely either in his relationship or even after the said marriage.

Looking into the peculiar facts and circumstances of the case, we are not inclined to interfere with the said F.I.R. in these proceedings, at this stage when the entire investigation is pending. Hence, the writ petition is liable to be dismissed.

The Police shall have liberty to look into the fact as to whether the petitioner no.1 has also committed crime of getting his Aadhar Card prepared in the year 2012 in the name of Arif Hussain on the basis of false/incomplete information when he

had already converted his religion from Islam to Sanatan in the year 2009.

The writ petition is accordingly, is dismissed.

**(Narendra Kumar Johari, J.) (Vivek Chaudhary,J.)**

**Order Date :- 26.9.2024**

Arjun/-