

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 13766 of 2023

Petitioner :- Jay Prakash And 2 Others

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Ram Sajiwan Prajapati

Counsel for Respondent :- G.A., Santosh Kr. Singh Paliwal

Hon'ble Anjani Kumar Mishra, J.

Hon'ble Vivek Kumar Singh, J.

1. Heard learned counsel for the petitioners, learned counsel for the first informant and learned A.G.A. for the State.
2. The instant writ petition seeks quashing of the FIR dated 15.07.2023 giving rise to Case Crime No.0216 of 2023, under Sections 354(B), 323, 427, 452, 504, 506, 34 I.P.C., Police Station- Maharajganj, District- Azamgarh.
3. The contention of the learned counsel for the petitioners is that the FIR is fabricated and injury is highly exaggerated and, therefore, the petitioners are entitled to protection.
4. Learned AGA on the basis of instruction received has stated that there are as many as six injuries on the person of the informant. The allegation also is that the informant clothes were torn. This allegation is to examine in the FIR.
5. Upon hearing learned counsel for the parties and upon a perusal of the record, we find that since there are injuries on the person of the first informant, it cannot be said that the FIR is concocted.
6. Moreover, the allegations made in the First Information Report clearly disclose commission of cognizable offences and the allegations are serious in nature. Therefore, prayer of the petitioners to quash the First Information Report is completely misconceived and is rejected.
7. The writ petition is therefore dismissed, without prejudice to the right of the petitioners to apply for bail/anticipatory bail.

Order Date :- 18.10.2023

Himanshu