

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 14719 of 2023

Petitioner :- Sanjay Yadav And 2 Others

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

Counsel for Petitioner :- Suneel Kumar Yadav

Counsel for Respondent :- G.A.,Ashok Kumar Tiwari

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard Sri Suneel Kumar Yadav, learned counsel for the petitioners and Sri Ratan Singh, learned A.G.A for the State respondents and Sri Ashok Kumar Tiwari, learned counsel for the informant.

2. The relief sought in this petition is for quashing of the F.I.R. dated 16.8.2023 registered as Case Crime No. 263 of 2023, under Sections 323, 308 IPC, Police Station Etamadpur, District Agra. Further prayer has been made not to arrest the petitioner in the aforesaid case.

3. Submission of the learned counsel for the petitioner is that the petitioner has been falsely implicated and no offence is made out against the petitioner. It is submitted that present prosecution has been lodged as a counterblast as the petitioner's side lodged one FIR against the informant's side.

4. Learned AGA opposed the prayer for quashing of the FIR, which discloses cognizable offence.

5. Perusal of the impugned first information report prima facie reveals commission of cognizable offence. We find that the injuries suffered by the injured are serious in nature and are on vital part.

6. Therefore, in view of the law laid down by Hon'ble Supreme Court in the case of State of Haryana and others vs. Bhajan Lal and others, 1992 Supp. (1) SCC 335 and M/s Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra, AIR 2021 SC 1918 and in Special Leave to Appeal (Crl.) No.3262/2021 (Leelavati Devi @ Leelawati & another vs. the State of Uttar Pradesh) decided on 07.10.2021, no case has been made out for interference with the impugned first information report.

7. The writ petition is accordingly dismissed.

Order Date :- 19.10.2023

Abhishek