

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 15177 of 2023

Petitioner :- Dev Narayan Mishra And 14 Others

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

Counsel for Petitioner :- Amit Kumar Singh

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard Shri Amit Kumar Singh, learned counsel for the petitioners, Shri G.P. Singh, learned A.G.A for the State-respondents, and perused the record.

2. The relief sought in this petition is for quashing of the impugned First Information Report dated 25.8.2023, registered as Case Crime No.0312 of 2023, under Sections 147, 323, 325, 336, 352, 392, 427, 452, 504, 506 IPC, Police Station- Rampur Karkhana, District Deoria. Further prayer has been made not to arrest the petitioners in the aforesaid case.

3. Submission of learned counsel for the petitioner is that in respect of the incident dated 23.8.2023, the petitioner side has filed the FIR dated 24.8.2023 registered as Case Crime No.0311 of 2023, under sections 147, 323, 504, 506, 352, 392 IPC, P.S. Rampur Karkhana, District Deoria, whereas the present impugned FIR was lodged subsequently on 25.8.2023 regarding the same incident as a counterblast and the entire family has been falsely implicated, and as such the impugned FIR is liable to be quashed.

4. *Per contra*, learned A.G.A. submits that from the version of the FIR it is clear that incident had actually taken place, and injuries were suffered by both the sides, therefore, cognizable offence is made out.

5. In such view of the matter, we find substance in the arguments of learned A.G.A. The writ petition is devoid of merits, and is accordingly, **dismissed**.

Order Date :- 19.10.2023

Anil K. Sharma