

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 15254 of 2023

Petitioner :- Suraj Kumar And Another

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- B.S. Pandey, Kartikey Pandey

Counsel for Respondent :- G.A., Ram Mani Upadhyay, Sarvjeet Kumar

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

1. Heard Shri B.S. Pandey alongwith Shri Kartikey Pandey, learned counsel for the petitioners, Shri Ram Mani Upadhyay, learned counsel for the informant and Shri Virendra Kumar Pal, learned A.G.A for the State respondent.

2. The relief sought in this petition is for quashing of the F.I.R. dated 30.08.2023, registered as Case Crime No. 249 of 2023, under Section 147, 148, 149, 323, 504, 506, 308, 324, 452 I.P.C., Police Station Harraiya, District Basti. Further prayer has been made not to arrest the petitioners in the aforesaid case.

3. Submission of learned counsel for the petitioners is that there is cross FIR of the same incident. Initially, the FIR was sought to be lodged from the petitioners' side but the same was not registered and now the same has been registered from the side of accused persons in respect of the same incident. Therefore, the petitioners have been falsely implicated. In fact, the petitioners' side are sufferer in the present incident.

4. Per contra, learned A.G.A. submits that during investigation Sections 325, 326 I.P.C. have been added due to gravity of the offences.

5. We find that there is a cross version of the same incident and as such incident had taken place, therefore, commission of a cognizable offence is made out.

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. Therefore, the writ petition is **dismissed**

Order Date :- 1.11.2023

Shafique