

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 15584 of 2023

Petitioner :- Radha Rani And 2 Others

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

Counsel for Petitioner :- Satya Narayan Yadav

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard Ms. Monika Pal holding brief of Shri Satya Narayan Yadav, learned counsel for the petitioners as well as learned A.G.A. for the State respondents.

2. This is unfortunate that although learned AGA has written a letter for sending injury report, pursuant to the order of this Court dated 04.10.2023. The same has not been received. In such view of the matter, we proceed to hear this case.

3. The present writ petition has been preferred with the prayer to quash the impugned First Information Report dated 10.09.2023 registered as Case Crime No.231 of 2023, under Sections 494, 452, 323, 307, 504 and 506 IPC, PS Awagarh, District Etah, and for a direction to the respondents not to arrest the petitioners in pursuance of impugned First Information Report.

4. The submission of learned counsel for the petitioners is that the petitioner no.3 is a teacher and petitioner nos.1 and 2 are innocent lady having no criminal history. It is further submitted that the present criminal prosecution has been lodged on account of a counter blast, in a case, registered in the year 2019 by the petitioners, against the informant side, and therefore, a false story has been cooked up to blame the accused persons.

5. Perusal of the first information report, we find that the serious allegations made in the FIR that the informant was hit by the iron rod and injury was caused. We are of the opinion, that the First Information Report lodged by the petitioners side in the year 2019, at this stage, cannot be said to have any connection with the present case.

6. Perusal of the impugned F.I.R., *prima facie*, reveals commission

of cognizable offence.

7. 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 F.I.R.

8. Therefore, the writ petition is dismissed.

Order Date :- 16.10.2023

RKM