

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 16010 of 2023

Petitioner :- Surya Dev Upadhyay And 4 Others

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

Counsel for Petitioner :- Navaneet Kumar Shukla, Shashank Shukla

Counsel for Respondent :- G.A., Chandra Bhushan Mishra, Prem Shanker Mishra

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

1. Heard Shri Navaneet Kumar Shukla, learned counsel for the petitioner, Shri Prem Shanker Mishra along with Sri Chandra Bhushan Mishra, learned counsel for the respondent and Shri Virendra Kumar Pal, learned A.G.A. for the State-respondents and perused the record.

2. The relief sought in this petition is for quashing of the First Information Report dated 30.03.2023 registered as Case Crime No. 0057 of 2023, under Sections 147, 149, 323, 504, 506, 308 IPC, P.S. Manda, District Prayagraj.

3. At the very outset learned A.G.A. pointed out that against one named accused Om Prakash Upadhyay charge-sheet has already been submitted. The role assigned to all the persons is identical. The petitioners are not cooperating in the investigation and absconding.

4. Submission of learned counsel for the petitioner is that the allegations levelled against them are absolutely false and no such offence whatsoever committed by them. No specific role has been assigned to them.

5. Per contra, learned counsel for the informant as well as learned A.G.A. have pointed out that head injury was also suffered and in the first information report allegation is that even the iron rods were used for this purpose.

6. Perusal of the impugned First Information Report 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 first information report.

8. The writ petition stands **dismissed**.

Order Date :- 30.10.2023

A. Tripathi