

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 15913 of 2023

Petitioner :- Shivam

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

Counsel for Petitioner :- Yogesh Kumar Tripathi

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Vivek Kumar Singh,J.

Heard learned counsel for the petitioner, learned A.G.A. for the State and perused the record.

The instant writ petition seeks quashing of the FIR dated 08.09.2023 giving rise to Case Crime No.548 of 2023, under Sections 323, 504, 506, 308 I.P.C., Police Station- Bansgaon, District- Gorakhpur.

Learned AGA has pointed out that as per injury report, injured suffered one contusion and two lacerated wounds and this fact corroborated the F.I.R version.

Upon hearing learned counsel for the parties and upon a perusal of the record, we find that the submissions made on behalf of the petitioner are his defence, which cannot be looked into while dealing with a writ petition seeking quashing of a first information report.

Moreover, the allegations made in the First Information Report clearly disclose commission of cognizable offences and the allegations are serious in nature. Therefore, prayer of the petitioner to quash the First Information Report is completely misconceived and is rejected.

The writ petition is therefore dismissed, without prejudice to the right of the petitioners to apply for bail/anticipatory bail.

Order Date :- 31.10.2023

Bhanu