

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 15964 of 2023

Petitioner :- Mohd Azeem

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

Counsel for Petitioner :- Ashish Goyal

Counsel for Respondent :- G.A.,Shravan Kumar Yadav

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard Shri Ashish Goyal, learned counsel for the petitioner, Shri Shravan Kumar Yadav, learned counsel for the informant, Shri Vibhav Ojha, 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 13.9.2023, registered as Case Crime No.577 of 2023, under Sections 498-A, 323, 307, 504, 506 I.P.C. and 3/4 of D.P. Act and 3/4 of the Muslim Women (Protection of Rights on Marriage), Act, Police Station- Koda, District Ghaziabad. Further prayer has been made not to arrest the petitioner in the aforesaid case.

3. Admittedly, arising out of the same case crime, the co-accused have filed Criminal Misc. Writ Petition No.16002 of 2023 (Harun and five others Vs. State of U.P. and two other), which has already been dismissed by the co-ordinate Bench of this Court on 11.10.2023. The same is quoted as under:

"Heard learned counsel for the petitioner, learned counsel for the first informant and learned A.G.A. for the State.

The instant writ petition seeks quashing of the FIR dated 13.09.2023 giving rise to Case Crime No.577 of 2023, under Sections 498A, 323, 307, 504, 506 I.P.C. and section 3/4 D.P. Act and section 3/4 the Muslim Women (Protection of Rights on Marriage), Act, 2019, Police Station- Koda, District- Ghaziabad (Trans Hindan Commissionerate, Ghaziabad).

It is contended by learned counsel for the petitioners that in a matrimonial dispute, on the basis of general allegations, the entire family has been falsely implicated by means of the impugned FIR.

Learned AGA has find out that the victim - informant has suffered as many as

eight injuries including contusion all around the neck.

Upon hearing learned counsel for the parties and upon a perusal of the record, we find that the submissions made on behalf of the petitioners are their 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 petitioners 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."

4. In such view of the matter, we do not find any good ground to take a different view in the matter. Accordingly, the present petition is dismissed.

Order Date :- 18.10.2023

Anil K. Sharma