

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 16306 of 2023

Petitioner :- Manu And 3 Others

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Kuldeep Singh Yadav, Ajay Kumar Pal

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra, J.

Hon'ble Rajendra Kumar-IV, J.

1. Heard learned counsel for the petitioners and learned A.G.A. for the State.
2. The instant writ petition seeks quashing of the FIR dated 04.09.2023 giving rise to Case Crime No.0359 of 2023, under Sections 452, 323, 504, 506 I.P.C., Police Station- Jait, District- Mathura.
3. The contention of the learned counsel for the petitioners is that the impugned FIR is by way of counterblast. The petitioners have lodged an FIR on 29.08.2023 regarding an occurrence, which took place on 28.08.2023 at about 7:00 p.m.
4. Perusal of the impugned FIR reveals that it also alleges an occurrence, which took place on 28.08.2023 at about 6:30 p.m.
5. The submission of learned AGA is that they are cross cases. Prima-facie the submission has substance.
6. Since, both the parties have filed FIRs regarding the same incident, it cannot be said that either of the FIR is completely concocted, in fact, the presumption would be that in fact same incident has in fact taken place.
7. Under the circumstances, and since the allegations in the FIR contain the ingredients of a cognizable offence, no case for interference is made out.
8. The writ petition is therefore dismissed, without prejudice to the right of the petitioners to apply for bail/anticipatory bail.

Order Date :- 16.10.2023

Mayank