

Court No. - 67

Case :- CRIMINAL MISC. WRIT PETITION No. - 16080 of 2023

Petitioner :- Sameer Ahmad @ Monu

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

Counsel for Petitioner :- Aqueel Ahmad

Counsel for Respondent :- G.A.

Hon'ble Rahul Chaturvedi,J.

Hon'ble Mohd. Azhar Husain Idrisi,J.

Heard Sri Aqueel Ahmad learned counsel for the petitioner, learned A.G.A. appearing for the State-respondents and perused the record.

By means of this writ petition under Article 226 of the Constitution of India, the petitioner is assailing the legality and validity of the FIR dated 14.06.2022 registered as Case Crime No. 392 of 2022, under Sections 323, 504, 506, 307 I.P.C. P.S. Kotwali Nagar, District Etah.

Learned A.G.A. submits that this incident occurred on 19.05.2022 and once the matter has already been investigated by the I.O. and police had submitted closer report in the matter. Such closer report was challenged before the court concerned then concerned court had directed for further investigation.

This FIR has been lodged by the respondent no. 3 Mohammad Imran against the petitioner namely Sameer Ahmad @ Monu. This FIR came into existence through 156(3) Cr.P.C. application and in the Paragraph- 1 of the FIR it is clearly mentioned that the appellant had fired upon the informant by his tamancha but nobody has received single scratch over the person.

Learned counsel for the petitioner further submits that he is ready to participate in the matter.

Keeping in view the allegations made in the FIR that no injury came in the matter, the interest of the petitioner is protected and shall not be arrested during investigation, however, it is made clear that the petitioner regularly participate investigation in the matter and remain present before the concerned I.O. of the case, as and when required by him in connection with the investigation. It is expected from the I.O. to submit its report under Section 173(2) Cr.P.C. within 60 days from today.

With the above observation, the writ petition is **disposed of**.

Order Date :- 18.10.2023

Israr