

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 17037 of 2023

Petitioner :- Rakesh Kumar Yadav And 3 Others

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

Counsel for Petitioner :- Jagat Pal Singh

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Vivek Kumar Singh,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 11.07.2023 giving rise to Case Crime No.386 of 2023, under Sections 323, 504, 506, 325 I.P.C., Police Station- Handia, District- Prayagraj.
3. The contention of the learned counsel for the petitioners is that the impugned FIR is a cross version, which has been lodged belatedly after a month of the alleged incident and therefore, it is afterthought.
4. Be that as it may, since both the parties have lodged FIR regarding the same alleged incident, it cannot be said that either of the FIR is completely fabricated or concocted.
5. Moreover, the allegations in the FIR impugned contain the ingredients of a cognizable offence. The FIR under the circumstances, cannot be quashed, especially on the basis of the submissions that have been made at the bar.
6. 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

Mayank