

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 16608 of 2023

Petitioner :- Deena Nath And Another

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

Counsel for Petitioner :- Dharmendra Kumar Dohare, Birendra Kumar

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 01.09.2023 giving rise to Case Crime No.159 of 2023, under Sections 323, 504, 506, 324, 427 I.P.C., Police Station- Utaron, District- Prayagraj.
3. The contention of learned counsel for the petitioners is that an altercation took place regarding, which proceedings under Sections 107 and 116 Cr.P.C. were drawn and the next date, the impugned FIR has been lodged. There is no injury report in the matter.
4. Insofar as the second submission is concerned, there is no foundation submitted in the writ petition, itself.
5. Upon hearing learned counsel for the parties and upon a perusal of the FIR, we find that the case has been registered also under Section 324 I.P.C. and, therefore, prima-facie the submissions made by learned counsel for the petitioners are not liable to be accepted.
6. Moreover, the allegations in the FIR contain the ingredients of a cognizable offence, which again renders the FIR impugned not liable to be quashed.
7. In view of the above and since a cognizable offence is disclosed from the allegations in the FIR, the writ petition fails and is dismissed, without prejudice to the right of the petitioners to apply for bail/anticipatory bail.

Order Date :- 19.10.2023

Mayank