

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 16380 of 2023

Petitioner :- Satyam Singh

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

Counsel for Petitioner :- Vinod Kumar Chandel, Mayank Krishna S Chandel, Ram Niwas Singh

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

1. Heard Shri Mayank Krishna Singh Chandel, learned counsel for the petitioner, Shri Surendra Singh, 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 29.7.2023, registered as Case Crime No.252 of 2023, under Sections 147, 323, 325, 336, 307 IPC, Police Station- Barhaj, District Deoria. Further prayer has been made not to arrest the petitioner in the aforesaid case.

3. Submission of learned counsel for the petitioner is that due to old enmity with the informant, the petitioner has been falsely implicated in the present case. No specific role has been assigned to the petitioner and he is not concerned with the offence in any manner. Additionally, it was submitted that the petitioner is a student, and as such no offence is made out.

4. *Per contra*, learned A.G.A. pointed out that four accused named in the FIR have already been arrested as per instruction, and as per injury report, one injured has suffered 11 injuries and the other injured has suffered 12 injuries, and thus this fact regarding serious injuries so suffered has been clearly alleged in the FIR itself, therefore, cognizable offence is made out.

5. *Prima-facie*, on plain reading of the contents of the impugned FIR, we find that the commission of a cognizable offence is made out. The petitioner has failed to bring his case within the parameters of ***State of Haryana and others Vs. Bhajan Lal and others, 1992 Supp. (1) SCC 335***. Therefore, the extra-ordinary power vests with this Court cannot be invoked in the facts-

circumstances of the case.

6. The writ petition is devoid of merits, and is accordingly, **dismissed.**

Order Date :- 17.10.2023

Anil K. Sharma