

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 16415 of 2023

Petitioner :- Gabbar And 2 Others

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

Counsel for Petitioner :- Dhirendra Kumar Srivastava

Counsel for Respondent :- G.A.,Deepak Kumar

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Vivek Kumar Singh,J.

1. Heard learned counsel for the petitioner and learned A.G.A. for the State.
2. The instant writ petition seeks quashing of the FIR dated 03.09.2023 giving rise to Case Crime No. 0634 of 2023, under Section 323, 308, 325, 506 IPC, Police Station- Chandpur, District-Bijnor.
3. Learned counsel for the petitioners submits that he is not able to get the injury report. He, however, submits that both the parties have lodged first information reports.
4. Since both the parties have lodged the first information reports regarding the same incident, it is clear that some incident has really taken place and neither of the two first information reports cannot be said to be concocted and fabricated.
5. Moreover, the allegations made in the first information report clearly disclose commission of cognizable offences and the allegations are serious in nature. Therefore, prayer of the petitioners to quash the First Information Report is completely misconceived and is rejected.
6. The writ petition is, therefore, dismissed, without prejudice to the right of the petitioner to apply for bail/anticipatory bail.

Order Date :- 17.10.2023

Himanshu