

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 16504 of 2023

Petitioner :- Archana Devi And 2 Others

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

Counsel for Petitioner :- Niraj Kumar Dwivedi, Virendra Kumar

Counsel for Respondent :- G.A.

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 23.08.2023 giving rise to Case Crime No.0394 of 2023, under Sections 323, 504, 506, 452, 427 I.P.C., Police Station- Meja, District- Prayagraj.
3. The contention of learned counsel for the petitioners is that the first information report has been lodged with delay of about 09 days which casts a serious doubt upon the FIR version.
4. Learned AGA, on the basis of instructions received, states that two persons on the side of the informant have been injured namely Mohan Lal and one Sudha. Sudha has suffered injury on left parietal region and Mohan Lal has suffered a fractured metacarpal in the left hand.
5. Since there are injuries including an injury on the head of a victim, it cannot be said that the first information report is either concocted or fabricated. The allegations therein definitely contain the ingredients of a cognizable offence. The Court is, therefore, of the considered opinion that the first information report cannot be quashed.
6. The writ petition is therefore dismissed, without prejudice to the right of the petitioners to apply for bail/anticipatory bail.

Order Date :- 7.11.2023

Aditya Tripathi