

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 16591 of 2023

Petitioner :- Ramesh Kumar And 7 Others

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

Counsel for Petitioner :- Jyoti Mishra, Abhay Kumar Dwivedi, Nagesh Kumar Dwivedi

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 29.09.2023 giving rise to Case Crime No.0545 of 2023, under Sections 147, 323, 504, 506, 452, 427 I.P.C., Police Station- Soraon, District- Prayagraj.
3. The contention of learned counsel for the petitioners is that the FIR is concocted. The petitioner has himself lodged an FIR in earlier in time and that the impugned FIR is a counterblast.
4. Upon a perusal of the two FIRs, we find that they appear to be cross cases. Since, both the parties have filed FIRs regarding the same alleged incident, it can safely presumed that some incident had in fact taken place and, therefore, it cannot be said that either of the two FIR is absolutely concocted.
5. Moreover, the allegations in the FIR contain the ingredients of a cognizable offence, which again renders the FIR impugned not liable to 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 :- 19.10.2023

Mayank