

Court No. - 67

Case :- CRIMINAL MISC. WRIT PETITION No. - 16522 of 2023

Petitioner :- Irfan Khan And 4 Others

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

Counsel for Petitioner :- Sadhu Sharan, Mustaq Ahamad

Counsel for Respondent :- G.A., Kharag Singh

Hon'ble Rahul Chaturvedi, J.

Hon'ble Mohd. Azhar Husain Idrisi, J.

Heard Sri Sadhu Sharan, learned counsel for the petitioners, learned A.G.A. appearing for the State-respondents, Sri Sudhir Bharti, Advocate holding brief of Sri Kharag Singh, learned counsel for the respondent no. 4 and perused the record.

The petitioners, by means of this writ petition under Article 226 of the Constitution of India, have invoked the inherent jurisdiction of this Court with prayer to quash the impugned First Information Report dated 25.09.2023 registered as Case Crime No. 992 of 2023, under Sections 307, 323, 498A, 504, 506 I.P.C. and 3/4 Dowry Prohibition Act, 1961, Police Station Highway, District Mathura.

Learned counsel for the petitioners has raised a number of legal and factual aspects of the matter.

Sri Sudhir Bharti, learned counsel for the respondent no. 4 has shown the medical report of S.N. Medical College Hospital, Agra dated 24.09.2023 whereby respondent no. 4 was admitted by her father. According to medical report, there are as many as 8 injuries and injury report depicts that injuries are grievous in nature.

Upon hearing learned counsel for the parties and upon a perusal of the record, we are of the considered opinion that the cognizable offence is made out against the petitioners and there is no occasion or reason to quash the FIR in exercise of power conferred under Article 226 of the Constitution of India.

Accordingly, the prayer for quashing the FIR is declined and refused.

However, it is open for the petitioners, if so advised, they shall move proper bail application before the appropriate forum, within ten days from today which shall be decided in accordance with law.

It is also made clear that the Court is not expressing any opinion on the merits of the case. The court concerned is expected to apply its robust and judicial discretion in deciding the bail application as early as possible.

With the above observation, the writ petition is **disposed of**.

Order Date :- 18.10.2023

Rmk.