

In Chamber

Case :- CRIMINAL MISC. WRIT PETITION No. - 16776 of 2023

Petitioner :- Ashish Mishra

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Deepak Upadhyay, Sarvesh Kumar Mishra

Counsel for Respondent :- G.A., Indra Jeet Yadav

Hon'ble Anjani Kumar Mishra, J.

Hon'ble Mohd. Azhar Husain Idrisi, J.

1. Heard learned counsel for the petitioner, learned counsel for the first informant and learned A.G.A. for the State.
2. The instant writ petition seeks quashing of the FIR dated 08.10.2023 giving rise to Case Crime No.290 of 2023, under Sections 323, 504, 379, 308 I.P.C. and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Police Station- Badlapur, District- Jaunpur.
3. The FIR impugned alleges that on 08.10.2023, the informant, a Revenue Inspector along with a team of revenue officials as also police personnel went to conduct a demarcation, under orders of the Tehsildar.
4. After completing the demarcation when they were returning one of the team members belonging to the scheduled castes were assaulted by the accused including the petitioner. The accused also carried away the documents and mobile in the possession of the person assaulted. He was called a *chamar* and was left half dead on the spot.
5. On the basis of the above, the contention of learned counsel for the petitioner is that Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, which has been invoked by the impugned FIR will not be attracted.
6. Learned AGA has submitted that from the allegations Section 3(2)(v)(a) of the Act will definitely be attracted.
7. Upon hearing learned counsel for the parties and upon a perusal of the impugned FIR, we find that in any case the

allegations in the FIR prima-facie contain the ingredients of offences under Section 323, 379 and 308 IPC. An FIR cannot be quashed in part.

8. Under the circumstances, nothing much turns upon the submissions made by learned counsel for the petitioner.

9. In view of the above, no case for interference is made out.

10. The writ petition is dismissed, without prejudice to the right of the petitioners to apply for bail.

Order Date :- 30.10.2023

Mayank